

ATTACHMENT 2: PARK PREFERRED/ENVIRONMENTALLY PREFERABLE PUBLIC COMMENT ANALYSIS

CONTENT ANALYSIS REPORT

Document Title: Preferred and Environmentally Preferable Alternatives--Elk Management Plan/Environmental Impact Statement

Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the total number of comments may be different than the actual comment totals)

Code	Description	# of Comments	% of Comments
AE12000	Affected Environment: Wildlife And Wildlife Habitat	3	0.01%
AE12050	Affected Environment: Wildlife and Wildlife Habitat (Non-Substantive)	2	0.00%
AE15500	Affected Environment: Archeology Resources (Non-Substantive)	0	0.00%
AE21000	Affected Environment: Socioeconomics	0	0.00%
AE22000	Affected Environment: Visitor Use	0	0.00%
AE22050	Affected Environment: Visitor Use (Non-Substantive)	2	0.00%
AE24000	Affected Environment: General Ecology	2	0.00%
AE25000	Affected Environment: Elk Population	1	0.00%
AE25500	Affected Environment: Elk Population (Non-Substantive)	20	0.04%
AE26000	Affected Environment: Park Operations	1	0.00%
AE26500	Affected Environment: Park Operations (Non-Substantive)	2	0.00%
AL1000	Alternatives: Elements Common To All Alternatives	0	0.00%
AL10010	Alternatives: Support Alternative A - No Action	8	0.02%
AL10020	Alternatives: Oppose Alternative A - No Action	1	0.00%

Code	Description	# of Comments	% of Comments
AL11000	Alternatives: Support Alternative B - Direct Reduction with Firearms	9	0.02%
AL11010	Alternatives: Oppose Alternative B - Direct Reduction with Firearms	9	0.02%
AL13010	Alternatives: Support Alternative C - Roundup and Euthanasia	4	0.01%
AL13015	Alternatives: Oppose Alternative C - Roundup and Euthanasia	2	0.00%
AL13040	Alternatives: Alternative D (Env. Preferable Alt.) - Testing and Translocation	8	0.02%
AL13045	Alternatives: Alternative D (Env. Preferable Alt.) - Testing and Translocation (Non-Substantive)	1	0.00%
AL13050	Alternatives: Support Alternative D - Testing and Translocation	56	0.12%
AL14000	Alternatives: Oppose Alternative D - Testing and Translocation	4	0.01%
AL1500	Alternatives: Elements Common To All Alternatives (Non-Substantive)	3	0.01%
AL15010	Alternatives: Support Alternative E - Increased Hunting Opportunities Outside the Park	11	0.02%
AL16000	Alternatives: Oppose Alternative E - Increased Hunting Opportunities Outside the Park	0	0.00%
AL17000	Alternatives: Support Alternative F - Maintenance Only Fertility Control	12	0.03%
AL17010	Alternatives: Oppose Alternative F - Maintenance Only Fertility Control	1	0.00%
AL19030	Alternatives: Adaptive Management	0	0.00%
AL19040	Alternatives: Adaptive Management (Non-Substantive)	0	0.00%
AL20000	Alternatives: Support Changing NPS/Park Policy	1	0.00%
AL20010	Alternatives: Oppose Changing NPS Park Policy	0	0.00%
AL2015	Alternatives: Alternatives Eliminated - Public Hunting within the Park (Non-Substantive)	11502	24.77%
AL2025	Alternatives: Alternatives Eliminated - Initial Reduction and Maintenance by Certified Volunteer Sharpshooters (NDGF Alternative) (Non-Substantive)	4	0.01%
AL2055	Alternatives: Alternatives Eliminated - Move Elk to the North Unit (Non-Substantive)	3	0.01%
AL2065	Alternatives: Alternatives Eliminated - Reintroduction of Natural Elk Predators (Non-Substantive)	224	0.48%

Code	Description	# of Comments	% of Comments
AL2075	Alternatives: Alternatives Eliminated - Fertility Control for Initial Reduction (Non-Substantive)	3	0.01%
AL3005	Alternatives: Park Preferable Alternative - Combination of Alts. B, C, and D	11412	24.58%
AL3007	Alternatives: Park Preferable Alternative - Combination of Alts. B, C, and D (non-substantive)	22	0.05%
AL3010	Alternatives: Support the Park Preferable Alternative	11435	24.63%
AL3020	Alternatives: Oppose the Park Preferable Alternative	52	0.11%
AL4000	Alternatives: New Alternatives Or Elements	19	0.04%
AL4500	Alternatives: New Alternatives Or Elements (Non-Substantive)	20	0.04%
AL5000	Alternatives: Support Elk Management in Park	27	0.06%
AL5030	Alternatives: Non-Lethal Methods (General) (Non-Substantive)	9	0.02%
AL5050	Alternatives: Lethal Methods (General) (Non-Substantive)	33	0.07%
AL5070	Alternatives: Timing of Actions (Non-Substantive)	4	0.01%
AL5090	Alternatives: Carcass Management (Non-Substantive)	14	0.03%
AL6010	Alternatives: Research and Monitoring (Non-Substantive)	1	0.00%
AL6040	Alternatives: Oppose all Proposed Alternatives	4	0.01%
AL7010	Alternatives: Oppose Lethal Control/Support for Non-lethal Control in the Park	2	0.00%
CC1000	Consultation and Coordination: General Comments	11365	24.48%
CC1500	Consultation and Coordination: General Comments (Non-Substantive)	22	0.05%
EL11000	Elk Population: Desired Conditions	0	0.00%
EL2000	Elk Population: Methodology and Assumptions	0	0.00%
EL4000	Elk Population: Impact of Proposal and Alternatives	3	0.01%
GA5000	Impact Analysis: Scientific Data Used to Determine Impacts	1	0.00%
HS1500	Human Health and Safety: Chronic Wasting Disease (Non-Substantive)	0	0.00%
MT1000	Miscellaneous Topics: General Comments	106	0.23%
ON1000	Other NEPA Issues: General Comments	1	0.00%
ON2000	Other NEPA Issues: General Comments (Non-Substantive)	2	0.00%
PN4000	Purpose And Need: Park Legislation/Authority	1	0.00%

Code	Description	# of Comments	% of Comments
PN4500	Purpose And Need: Park Legislation/Authority (Non-Substantive)	0	0.00%
PN8500	Purpose And Need: Objectives In Taking Action (Non-Substantive)	13	0.03%
SE4000	Socioeconomics: Impact Of Proposal And Alternatives	7	0.02%
SE4010	Socioeconomics: Impact Of Proposal And Alternatives	6	0.01%
VE4000	Visitor Experience: Impact Of Proposal And Alternatives	10	0.02%
VS4000	Visitor Conflicts And Safety: Impact Of Proposal And Alternatives	10	0.02%
XX1000	Duplicate Comment/Correspondence	16	0.03%
Total		46435	100.00%

Distribution by Correspondence Type

Type	# of Correspondences	% of Correspondences
Other	11742	97.96%
Web Form	122	1.02%
Letter	112	0.93%
Fax	9	0.08%
E-mail	1	0.01%
Total	11986*	100.00%

*Of the 11,986 correspondences received, 11,132 were form letters.

Correspondence Signature Count by Organization Type

Organization Type	# of Correspondences	% of Correspondences
Federal Government	1	0.01%
NPS Employee	2	0.02%
Conservation/Preservation	8	0.07%
State Government	1	0.01%
Tribal Government	1	0.01%

Organization Type	# of Correspondences	% of Correspondences
Unaffiliated Individual	11973	99.89%
Total	11986	100.00%

Correspondence Distribution by State

State	# of Correspondences	% of Correspondences
NJ	19	0.16%
MN	21	0.18%
SD	6	0.05%
WV	5	0.04%
AK	2	0.02%
OK	2	0.02%
UN	1	0.01%
CA	106	0.88%
ND	87	0.73%
WY	3	0.03%
AL	6	0.05%
MA	20	0.17%
NM	11	0.09%
VA	22	0.18%
WI	16	0.13%
AR	2	0.02%
OH	23	0.19%
TN	14	0.12%
MD	14	0.12%
NE	4	0.03%
IL	37	0.31%
MI	12	0.10%
GA	14	0.12%
ME	5	0.04%

State	# of Correspondences	% of Correspondences
UT	4	0.03%
NH	4	0.03%
KS	2	0.02%
CO	33	0.28%
MT	16	0.13%
RI	5	0.04%
NY	42	0.35%
IA	4	0.03%
SC	4	0.03%
DC	2	0.02%
TX	39	0.33%
WA	47	0.39%
FL	37	0.31%
VT	2	0.02%
IN	14	0.12%
NV	10	0.08%
LA	6	0.05%
MO	8	0.07%
CT	6	0.05%
MS	1	0.01%
HI	3	0.03%
ID	1	0.01%
KY	5	0.04%
OR	31	0.26%
AZ	25	0.21%
PA	11158	93.09%
NC	17	0.14%
Total	11986	100.00%

CONCERN RESPONSE REPORT

Theodore Roosevelt National Park Preferred and Environmentally Preferable Alternatives--Elk Management Plan/Environmental Impact Statement Concern Response Report

AE12000 - Affected Environment: Wildlife And Wildlife Habitat

Concern ID: 22220

CONCERN STATEMENT: One commenter suggested that habitat loss is a main problem that is not addressed in the DEIS.

Representative Quote(s): **Corr. ID:** 216 **Organization:** *Not Specified*

Comment ID: 111784 **Organization Type:** Unaffiliated Individual

Representative Quote: However, the proposed elk management plan doesn't address the real problem and that is wildlife habitat loss.

Response: To provide more habitat and acceptance for elk outside the park would require that area landowners and other agencies (e.g., North Dakota Game and Fish Dept., U.S. Forest Service, and grazing associations, etc.) develop some consensus for elk outside the boundaries of the park. Such a consensus is not likely at this time. Although loss of habitat is a factor affecting many species (plant and animal), such is not the case for elk at Theodore Roosevelt NP.

AE24000 - Affected Environment: General Ecology

Concern ID: 22227

CONCERN STATEMENT: One commenter suggested that less elk browsing on willows will prevent stream bank erosion and promote healthier streams.

Representative Quote(s): **Corr. ID:** 469 **Organization:** *Not Specified*

Comment ID: **Organization Type:** Unaffiliated Individual
111617

Representative Quote: These predators hunt near streams and will prevent elk from over browsing on the willows near streams. Less browsing on the willows near streams will prevent stream bank erosion and healthier streams.

Response: The NPS does not agree with the commenter's assertion. Based on a 4-year diet study (2003-2007) conducted inside the park, willow was not an

important component in the diets of elk (comprised <3%).

Concern ID: 22228

CONCERN STATEMENT: One commenter suggested that native plant communities are being threatened because of the lack of natural predators which has led to overpopulation.

Representative Quote(s): **Corr. ID:** 391 **Organization:** *Not Specified*

Comment ID: 111481 **Organization Type:** Unaffiliated Individual

Representative Quote: Lack of predators has led to overpopulation of elk in Theodore Roosevelt National Park, so that native plant communities are beign threatened.

Response: NPS agrees that the area within the park is not a naturally functioning ecosystem due to the lack of natural predators. NPS did consider reintroduction of natural predators, but such an alternative was not carried forward for detailed analysis. A discussion of why such an alternative was considered but dismissed, see Chapter 2.

AL13040 - Alternatives: Alternative D (Env. Preferable Alt.) - Testing and Translocation

Concern ID: 22257

CONCERN STATEMENT: Commenters suggested that the relocated elk be managed by other agencies and organizations such as the North Dakota Game and Fish Department. One commenter specifically requested that elk only be relocated within North Dakota and managed by the North Dakota Game and Fish Department because the elk belong to the people of North Dakota.

Representative Quote(s): **Corr. ID:** 58 **Organization:** *Not Specified*

Comment ID: 110974 **Organization Type:** Unaffiliated Individual

Representative Quote: In regards to the relocation of the Elk, this is the only option I see that enable hunters extra opportunities within North Dakota if the Elk are relocated within the state. I support the relocation option only if all the elk are relocated within our state. I firmly believe the big game animals in North Dakota belong to the people of this great state and should be managed as all other big game animals are managed within the state by the Game and Fish Department.

Corr. ID: 108 **Organization:** *Not Specified*

Comment ID: 110580 **Organization Type:** Unaffiliated Individual

Representative Quote: In round-up and translocation, various agencies and organizations could get the elk for the own purposes. Such as the North Dakota Game and Fish receiving a high number of elk to have them relocated to State property or state parks to have their own annual hunt.

Response: Consistent with formal agreements between the park and NDGF, the park has made elk available to NDGF for translocations within the state on 3 separate occasions (1993, 2000, and in 2003 prior to a roundup that did not occur), and in each case the state declined the offer. The park has continued to extend this offer to NDGF throughout the current planning process, and remains committed to providing elk to the citizens of North Dakota if requested by NDGF.

Concern ID: 22263

CONCERN STATEMENT: One commenter explained that relocating elk to another location will simply transfer all of the environmental problems associated with overpopulation to another location.

Representative Quote(s): **Corr. ID:** 38 **Organization:** *Not Specified*

Comment ID: 111006 **Organization Type:** Unaffiliated Individual

Representative Quote: Reduce the number to a healthy number for the good of the park's wildlife in environmentally sound, transporting one environmental problem to another place is not a Preferable Alternative."

Response: To address the potential for unintended environmental impacts associated with translocation, the NPS would require assurances from willing recipients that sufficient land is available to support the translocated elk, as described in the EIS.

Concern ID: 22267

CONCERN STATEMENT: One commenter noted that capturing elk for disease testing would be less stressful than tranquilizing the elk. The commenter also suggested that elk ranchers would be good volunteers as they already have the equipment and experience required for the elk capture, testing, and relocation.

Representative Quote(s): **Corr. ID:** 22 **Organization:** Professional elk guide

Comment ID: 110666 **Organization Type:** Unaffiliated Individual

Representative Quote: 4. In my 30 plus years of handling elk, both wild captured and captive herds, a well designed capture and sorting system along with a elk squeeze chute (to allow disease testing) is far less stressful to the elk than tranquilizing them. Many experienced elk ranchers have the equipment and expertise to volunteer for this possible relocation project.

Response: The current elk management plan/EIS does not utilize drugs (anesthetics) for any of its reduction efforts. The park has an on-site handling facility in each unit (North and South), and routinely conducts roundups of bison, and feral horses, and has conducted elk roundups in the past.

AL3005 - Alternatives: Park Preferable Alternative - Combination of Alts. B, C, and D

Concern ID: 22254

CONCERN STATEMENT: Several commenters had questions regarding the specific requirements for the supervised volunteers including proficiency requirements, use of personal weapons, background checks, and expenses.

Representative Quote(s): **Corr. ID:** 53 **Organization:** *Not Specified*

Comment ID: 110669 **Organization Type:** Unaffiliated Individual

Representative Quote: I think it is wise to allow the volunteers. I am interested in more detail on how the teams would work, what the requirements are to meet firearm proficiency, and if there is any provision where any of the meat could be kept or returned by the donation organization for the volunteers. Retrieving several hundred animals would seem to take some manpower and logistic planning, regardless of reduction via "professionals" or skilled volunteers.

Corr. ID: 122 **Organization:** *Not Specified*

Comment ID: 110520 **Organization Type:** Unaffiliated Individual

Representative Quote: What about the physical aspect of this, how will the park ensure that these volunteers are fit enough to handle this? Will each reduction team include an EMT or will some sort of physical be required in addition to the firearm proficiency exam?

Corr. ID: 380 **Organization:** *Not Specified*

Comment ID: 112046 **Organization Type:** Unaffiliated Individual

Representative Quote: 7. Will volunteers be subject to the same firearms safety and proficiency training as paid employees? What will be the time and cost commitments?

Corr. ID: 380 **Organization:** *Not Specified*

Comment ID: 112044 **Organization Type:** Unaffiliated Individual

Representative Quote: 5. Will personal weapons be inspected by a gunsmith, as per NPS property regulations (required whenever an employee or volunteer submits a request to use his/her weapon in performance of their duties). Should a personal weapon be lost or damaged will it be replaced or repaired at NPS expense? What is the projected cost?

Corr. ID: 567 **Organization:** North Dakota Game and Fish Department

Comment ID: 111993 **Organization Type:** State Government

Representative Quote: 1. It's stated that 'skilled volunteers' would work in teams. How many people would compromise a team and what would individual responsibilities be?
2. Skilled volunteers would be 'supervised and directed' by NPS personnel. What exactly does this mean? Would they be told which elk to shoot and how many? Need clarification on this,
3. What are considered appropriate skills and proficiencies for removal of wildlife? How would these be determined, i.e., what are the criteria? A number of requirements must be met but it's not stated what those requirements are to be.
4. What is considered a 'demonstrated level of proficiency'?

Response: Much of this information has been included in the description of the preferred alternative in Chapter 2, beginning on page 83 of the FEIS. Specific requirements for firearms proficiency and use will be developed by the park and communicated to the public following release of the Record of Decision. It is anticipated that volunteers will need to pass background checks, will use their own firearms, and will need to demonstrate a level of proficiency with their firearm.

Concern ID: 22256

CONCERN STATEMENT: Several commenters questioned the cost estimate of the preferred alternative, stating that it appears to be far too low, and stating that the EIS has underestimated the costs associated with using volunteers.

Representative Quote(s): **Corr. ID:** 94 **Organization:** *Not Specified*

Comment ID: 110733 **Organization Type:** Unaffiliated Individual

Representative Quote: The plan for control of elk by harvesting them with sharp shooters and donating the meat to organizations has never been clarified but it has been given a price tag that only a federal agency could calculate. This is a plan that I believe the Park service does not want implemented and thus have done what it took make this option the least acceptable in applicability and cost.

Corr. ID: 108 **Organization:** *Not Specified*

Comment ID: 110583 **Organization Type:** Unaffiliated Individual

Representative Quote: Volunteers are going to be costly to the park and to the Federal Government to manage. If there is a hunt with volunteers over two or three years, the personnel costs of hiring 10-15 additional Law Enforcement Park Rangers to go out with the small groups of volunteers will cost a minimum of \$150,000 for 10 additional Law Enforcement Park Rangers. Not to mention the additional cost of \$50,000 for vehicles, supplies, and management costs. That is a rough estimate for one (1) fall/winter. Times that by 3 years and it's a waste of the tax dollar.

Corr. ID: 370 **Organization:** *Not Specified*

Comment ID: 111983 **Organization Type:** Unaffiliated Individual

Representative Quote: The cost of the preferred alternative remains a bit unclear, as it may (or may not) combine elements of alternatives B, C and D. The use of volunteers during the reduction phase (Alternative B) of the action is estimated to be over \$1 million more than if the same program were carried out by agency personnel. Overall cost, \$2.75 million compared to \$1.0 to \$1.8 million for alternatives C and D. The DEIS should clarify the cost of refrigeration trucks (shown as a "one-time expense", pg 60. Wouldn't there be an annual need for refrigeration trucks that could extend for months at a time? This cost needs to be reevaluated.

Corr. ID: 547 **Organization:** *Not Specified*

Comment ID: 111448 **Organization Type:** Unaffiliated Individual

Representative Quote: Besides being less efficient and more disruptive to the elk and other inhabitants of the park and visitors of the park; the preferred alternative will also cost much more than the environmentally preferred alternative. The cost of testing civilians to make sure they have the necessary skills to be part of a direct reduction team plus the cost of requisite park personnel to facilitate these ongoing

direct reduction activities will surpass the cost of a one time reduction by professionals.

Response: A detailed cost estimate for the preferred alternative is provided in the final EIS, including the costs of using training and supervising skilled volunteers (see Appendix D). Regarding refrigeration trucks, the NPS may purchase a single truck which would then be available for use as needed.

Concern ID: 22261

CONCERN STATEMENT: Commenters stated they were not in favor of the preferred alternative because it will set a precedent of shooting in National Parks, will be labor intensive and costly, is politically motivated, and will not be effective.

Representative Quote(s): **Corr. ID:** 106 **Organization:** *Not Specified*

Comment ID: 110600 **Organization Type:** Unaffiliated Individual

Representative Quote: The proposed Alternative is a poor choice because it will create an undefined precedent of shooting not in just Theodore Roosevelt National Park, but National Parks nationwide. National Parks are a place of interest to many people who do not hunt to come see wildlife in their natural domain. These non hunters want to feel safe while viewing the wildlife and their traditional interactions in the wild with other species. This Alternative is Labor intensive for National Park personnel. It makes no assurances of how many Elk will be eliminated or how many volunteers are interested. It will take at least 5-6 years before Elk population numbers are lowered to the desired heard size. This is a political alternative and not based on sound science and especially, not the public process set up by our governmental legislative policy (NEPA). This is basically an alternative proposed by the North Dakota Game and Fish Department that was eliminated from consideration in the DEIS just as was the option of reintroduction of natural elk predators. Contrary to the statements made by Senator Dorgan and the media, this will be expensive!

Corr. ID: 539 **Organization:** Sierra Club

Comment ID: 110740 **Organization Type:** Conservation/Preservation

Representative Quote: The Preferred Alternative also completely ignores the science found in the EIS and appears to have been unduly influenced by the politics surrounding the issue.

Response: The NPS agrees that the preferred alternative will be labor intensive for NPS personnel. All of the costs of the preferred alternative are disclosed in the EIS, and Appendix D contains a detailed breakdown of associated costs. The NPS received a large volume of comments on the preferred alternative, many supporting use of skilled volunteers and a number opposed to skilled volunteers. Ultimately, for a variety of reasons, the NPS identified a preferred alternative that uses skilled volunteers, and also envisions using roundups to control the elk population depending on the efficacy of direct reduction. The NPS believes the preferred alternative will be effective at reducing the elk population, and does not believe the use of skilled volunteers is precedent setting, as authorized agents have been used in the past to assist parks with culling.

Concern ID: 22262

CONCERN STATEMENT: Several commenters felt that the proposed plan is a short-term solution and a long-range management plan is necessary to effectively management the elk population.

Representative Quote(s): **Corr. ID:** 118 **Organization:** National Parks Conservation Association, Northern Rockies Region

Comment ID: 110550 **Organization Type:** Unaffiliated Individual

Representative Quote: The preferred alternative identifies an initial reduction phase of five years, and a maintenance phase of six to fifteen years that would involve the same methods as those used for the initial reduction phase. NPCA is concerned that the preferred alternative does not significantly address the root causes of this elk overpopulation, and strongly urges NPS to develop and implement long-term solutions following the initial reduction phase. In doing so, NPS should work with federal, state, and private landowners to increase the habitat available on adjacent or nearby lands for this species, allowing elk to roam over more of their historic range (including the northern unit of the park) to reduce population density within the southern unit of the park. We ask that the park commit to have a plan completed by the end of the initial reduction phase that will result in significant additional seasonal and/or permanent habitat, thereby eliminating the need for a cull based on population numbers.

Corr. ID: 118 **Organization:** National Parks Conservation Association, Northern Rockies Region

Comment ID: 110537 **Organization Type:** Unaffiliated Individual

Representative Quote: NPCA is supportive of the preferred alternative included in the updated EIS preferred alternative document, which incorporates elements of several of the proposed alternatives in the December 2008 Draft EIS. It is important to note, however, that the preferred alternative, which would implement a cull to reduce the elk herd in THRO from approximately 900 to the target range of 100-400 elk, while an appropriate short term solution, does not resolve the underlying causes of this complex management problem. Therefore, we ask that NPS develop a long-term solution for maintaining a healthy ecosystem within and surrounding the national park.

Corr. ID: 141 **Organization:** *Not Specified*

Comment ID: 110306 **Organization Type:** Unaffiliated Individual

Representative Quote: However, the proposed elk management plan is simply a short-term solution.

Corr. ID: 145 **Organization:** *Not Specified*

Comment ID: 110567 **Organization Type:** Unaffiliated Individual

Representative Quote: While I support the plan to allow for trained volunteers to cull Theodore Roosevelt National Park's elk population to more sustainable levels over a limited period of time, that action is a short term measure. And while Theodore Roosevelt National Park is assuring that the cull takes place under close supervision of park managers and is not proposing an unprecedented public hunt within a national park, much more needs to be done to bring the park into better balance.

Corr. ID: 161 **Organization:** *Not Specified*

Comment ID: 110657 **Organization Type:** Unaffiliated Individual

Representative Quote: Your solution to the proposed elk management plan is short-term and really easy for you to deal with rather than working with the tough problems involved with actually managing the land with balance being the key concept. In my opinion the idea of setting loose "trained" volunteers who couldn't be more happy than to have a state sanctioned killing session, is an escape from wildlife management good practices.

Response:

As described in the Chapter 1 of the EIS, under the "Present Day Management Concerns: Potential Effects of Overpopulation" section, the ecosystem encompassing Theodore Roosevelt National Park is influenced by several factors which have lead elk to disproportionately use the park when compared to surrounding habitat. As described in the "Purpose and Need" section of the EIS, the elk population in the park is growing largely unchecked by predation, hunting or nutritional restriction, and when coupled with the high quality habitat that exists within the park and surrounding agricultural lands, has the potential to reach unnaturally high levels. As these sections of the EIS demonstrate, the availability of habitat for elk is not the issue, but rather the unregulated growth of the elk population in an unbalanced ecosystem. Recognizing this, NPS has developed this plan/EIS which would guide elk management for the next 15 years--or until conditions change that necessitate an update.

Concern ID: 22264

CONCERN STATEMENT:

Several commenters offered specific ideas to incorporate into the preferred alternative for how to deal with the elk meat. Ideas include the type of bullet to be used, how to handle the elk meat, selling meat to raise money, and the proposed locations for the donation of meat.

Representative Quote(s): **Corr. ID:** 90 **Organization:** *Not Specified*

Comment ID: 110467 **Organization Type:** Unaffiliated Individual

Representative Quote: I am all for skilled hunters to thin the elk population. The one thing that has to be considered is the type of bullets used. You can not give deer to a food bank if it was shot with a rifle. Bow kills only. The fear is lead. There are alternatives to lead bullets such as Barnes X copper bullets. Non lead bullets must be mandatory or the meat will end up going to waste.

Corr. ID: 584 **Organization:** *Not Specified*

Comment ID: 111699 **Organization Type:** Unaffiliated Individual

Representative Quote: A possible fund raising idea could be to sell elk meet after the cull.

Corr. ID: 711 **Organization:** *Not Specified*

Comment ID: 111862 **Organization Type:** Unaffiliated Individual

Representative Quote: Are there plans for the meat from the culled elk? Many food banks and shelters accept donated meat from hunters, and their demand has gone up as donations have gone down in the current economic situation.

Corr. ID: 805 **Organization:** *Not Specified*

Comment ID: 111824 **Organization Type:** Unaffiliated Individual

Representative Quote: In addition, I propose that ALL of the meat from the culled animals should be quickly and safely butchered and given to food banks. This would provide needed meat protein for families that are facing tough economic conditions. This action would avoid the appearance of favoritism for the volunteers who will participate in the project.

Response: The Preferred Alternative anticipates donation of any elk meat to the State of North Dakota, Tribes, and approved charities. NPS does not have the authority to sell elk meat, and therefore did not include such an idea in its alternative analysis. Under the preferred alternative, non-lead bullets would be used.

Concern ID: 22265

CONCERN STATEMENT: Commenters offered suggestions for the qualifications that would be required of volunteers, including a prerequisite physical tests, existing models, and an initial fee for proficiency testing.

Representative Quote(s): **Corr. ID:** 3 **Organization:** *Not Specified*

Comment ID: 110641 **Organization Type:** Unaffiliated Individual

Representative Quote: My comments pertain to selecting qualified volunteers.

- I suggest charging a fee to participate or a fee for proficiency testing. A fee will encourage volunteers to be more serious about participating. If they do not have anything invested in the operation, the volunteers are less likely to show up when needed. This also reduces the burden of testing volunteers who are not serious about participating.

- consider having a physical fitness aspect to the proficiency test. A two to four mile hike with a 30 pound pack, perhaps. The number one complaint of big game guides is clients are not physically fit enough for the hunt. If volunteers are not healthy enough to perform a 2 mile hike with a 30 pound pack; they are not healthy enough to hunt elk. (test shooting skills after the hike.)(shoot from field positions, not a bench)

- conduct the proficiency testing at a location near the park. If a volunteer cannot make it to the area to test, they will also likely have a hard time coming to the park when needed. This also reduces the burden of testing volunteers who are not serious about participating. (test more than once)

- require a minimum caliber firearm larger than the ND Game & Fish requirement (25 cal) for elk hunting. I would recommend a minimum 270 caliber/2200 LB/FT muzzle energy requirement (270 Win, 130 gr bullet / 7mm-08 Rem, 140 gr bullet). The idea of the plan is to humanely and efficiently reduce the population; not to challenge one's self or try something new. The public does not want to see wounded animals.

-require volunteers to test with the actual firearm (or firearms) they will use. The second most common complaint from big game guides is clients purchase new firearms for the hunt and are not proficient with it.

Corr. ID: 118 **Organization:** National Parks Conservation Association, Northern Rockies Region

Comment ID: 110541 **Organization Type:** Unaffiliated Individual

Representative Quote: The preferred alternative uses direct herd reduction "managed by the NPS and carried out by qualified federal employees and/or authorized agents." These agents include "skilled volunteers&includ[ing] individuals identified through an NPS-developed system." The development of this system is a crucial component of implementing the cull - NPS must establish a rigorous certification program that protects park resources and values and public safety. The criteria used for elk culling in Rocky Mountain National Park provides a good example: NPS has recognized that an ideal candidate for the position "adheres to a strong conservation/preservation ethic has a desire to contribute to the overall ecological health" of the national park. Volunteers are required to pass a three-day training course including a range shooting test, pass a background test, and "have the ability to take direct supervision from NPS staff." These prerequisites help ensure that the volunteers and the public understand there is a distinct difference between culling an elk herd for conservation of the species and the ecosystem and allowing recreational sport hunters to have access to wildlife in national parks.

Corr. ID: 122 **Organization:** *Not Specified*

Comment ID: 110521 **Organization Type:** Unaffiliated Individual

Representative Quote: Maybe as a prerequisite to even signing up as a volunteer, require them to provide doctor's approval and do something similar to the wildland fire "pack test" before even attempting the firearm exam?

Response: Specific requirements for firearms proficiency and use will be developed by the park and communicated to the public following release of the Record of Decision. It is anticipated that volunteers will need to pass background checks, will need to certify that they are in sufficient physical health to assist with culling, will use their own firearms, and will need to demonstrate a level of proficiency with their firearm.

Concern ID: 22271

CONCERN STATEMENT: One commenter stated that volunteers will want to keep the elk meat and volunteers would be less likely to participate unless they are able to keep a portion of the meat.

Representative Quote(s): **Corr. ID:** 64 **Organization:** *Not Specified*

Comment ID: 111059 **Organization Type:** Unaffiliated Individual

Representative Quote: The alternative suggested is confusing and even though it allows public assistance it appears that those assisting are not allowed to keep any meat from harvested animals. Who would want to go into the park just to shoot an animal. I would not participate if I was not able to keep some meat, I have no problem sharing, but just to shoot makes no sense.

Response: Based upon the public comments received, NPS recognizes that members of the public would prefer to keep elk meat from elk they have helped to cull. However, as volunteers, members of the public are not allowed to keep elk meat or any the part of the animal. All meat will be donated to the State, Tribes, and approved charities in compliance with federal regulations regarding the donation of surplus property.

Concern ID: 22272

**CONCERN
STATEMENT:**

One commenter stated through several comments that the preferred alternative violates Director's Order 7 because it is not a cost-effective use of volunteers.

Representative Quote(s): Corr. ID: 380

Organization: *Not Specified*

Comment ID: 112038 **Organization Type:** Unaffiliated Individual

Representative Quote: In light of the park's purpose and its national significance as stated in the EIS, I have some concerns that aspects of the preferred management alternative will divert existing park base funding and personnel away from basic functions and will be an abuse of the NPS volunteer program. It is also likely to take on a life of its own as an unfunded mandate and would be, among other things, fiscally irresponsible. Once all costs are tallied, I do not believe that volunteers can be used without violating NPS Director's Order 7.

Corr. ID: 380

Organization: *Not Specified*

Comment ID: 112061 **Organization Type:** Unaffiliated Individual

Representative Quote: It is also clear that the preferred alternative is NOT a cost-effective use of volunteers and therefore violates DO7.

Response:

The NPS does not believe that use of skilled volunteers to assist with culling activities would violate Director's Order 7. The park is aware that additional funding will be required to implement the preferred alternative, and has made plans to acquire such funding. It is likely that additional funding would be required to implement any of the action alternatives in the EIS.

Concern ID:

22276

**CONCERN
STATEMENT:**

One commenter discussed that demographic-based lethal removal would not be effective for herd reduction.

Representative Quote(s): Corr. ID: 39

Organization: *Not Specified*

Comment ID: 111049 **Organization Type:** Unaffiliated Individual

Representative Quote: Control by NPS for selecting which animals will be removed, and also the time and place of removal, sounds great however it is not factual. NPS are not trained to select individual elk for removal and it would be a best guess at best (nor could anyone else), individual selection is much different from herd reduction. The selection would amount to Adult/Juvenile, and male female. This is a given regardless of the alternative used. NPS would have control by simply stating what ratio of adult young male female should be removed from which area and this should be part of any alternative and not unique to this one.

Response:

The commenter is correct in stating that it is difficult to determine with certainty the correct sex and age of elk in the field, and for that reason, elk would only be differentiated into one of three classes that are readily identifiable during the proposed reduction: adult females, adult males, and young-of-the year. Population modeling conducted by the Science Team (Attachment 1) considered these issues and was used when the team provided its recommendations.

Concern ID:

22277

**CONCERN
STATEMENT:**

One commenter discussed the timing of the preferred alternative actions, stating that initial reduction should occur during the winter months.

Representative Quote(s): Corr. ID: 15

Organization: *Not Specified*

Comment ID: 110653 **Organization Type:** Unaffiliated Individual

Representative Quote: Removal of 275 per year for two years appears to be setting the bar pretty high, considering there was not a time frame specified when the initial reductions would occur. In my opinion, the optimum time to perform the initial reduction with firearms would be during the winter months. Elk are congregated and there are fewer visitors that may be offended by the sights and sounds of herd reduction. However, weather will play a key role in the success. The initial reduction should be scheduled over a course of months, not days or weeks, in order to come close to achieving the goal of 275.

Response:

As described in the EIS, Alternative B, which has been incorporated into the preferred alternative, would have both a fall and winter phase (page 63 of the FEIS). As is clarified further for the preferred alternative in the Chapter 2 of the EIS, management actions would generally be conducted from November through February, which should provide adequate time for achieving annual reduction goals during the initial phases of implementation.

Concern ID:

22278

**CONCERN
STATEMENT:**

Commenters stated that the plan fails to meet the need and goals of the proposed action due to political influence, cost, use of volunteers, disruption to park visitors and wildlife, and demographic-based targeting of elk.

Representative Quote(s): Corr. ID: 37

Organization: Wildlife Management Services

Comment ID: 111041 **Organization Type:** Unaffiliated Individual

Representative Quote: Facts: need to remove approximately 350 Elk, The plan that is considered as best option has built in failures. Volunteers with no incentive to achieve success will only be effective for a short period, there are unrealistic descriptions of how the Elk might be found and killed (i.e. in groups) and there is no reason to remove equal numbers of male and female Elk or at least a target portion should be male as well. The process that is being described in the preferred option is full of political correctness and sounds very agreeable to unknowing persons. There are many reasons this plan fails to meet the need. The removal must be a commented effort accomplished quickly, methodically and efficiently with humane ethical actions. The method is not need as important as the effort. Volunteers an additional duty park staff is not the correct or ethical approach to a reduction of this scope.

Corr. ID: 370

Organization: *Not Specified*

Comment ID: 111979 **Organization Type:** Unaffiliated Individual

Representative Quote: It beggars the imagination to understand why the NPS would generate a preferred alternative that the DEIS clearly shows to be:

1. The most expensive
2. The most disturbing to park visitors and wildlife
3. The most logistically and operationally challenging as well as potentially the most hazardous
4. The most prolonged, especially in terms of the elk population reduction stage

5. The most disruptive of park operations.
6. Overall, the least feasible to accomplish stated goals

Response: The NPS believes the preferred alternative does in fact meet the purpose, need, and objectives of the EIS. While the preferred alternative is not the most cost efficient, it will reduce the elk population to the desired levels within the desired timeframes, and has the support of the NDGF. Should direct reduction with firearms be deemed ineffective, the park would have the option to roundup and either translocate or euthanize elk in order to reach the desired population levels in the stated timeframes.

Concern ID: 22279

CONCERN STATEMENT: One commenter discussed concerns over culling the elk in a team of strangers, stating that they would not feel comfortable culling with individuals that they did not know or trust.

Representative Quote(s): **Corr. ID:** 45 **Organization:** *Not Specified*

Comment ID: 111973 **Organization Type:** Unaffiliated Individual

Representative Quote: First, the NPS feels that it is important to have a NPS agent accompany the volunteers into the field to ensure the target animals are harvested. I think this is an acceptable compromise that ensures safety and consistency in this system. The problem that I see with the proposal is with the "Team" that will be hunting together. It is my personal preference to only hunt with individuals that I know and trust. I believe that many potential volunteers would not feel comfortable in the field with a "Team" of strangers even if everyone had successfully passed all proficiency requirements.

Response: Although some volunteers may not feel comfortable as they would with people they know well, the elk reduction effort will be conducted by a controlled team with a team leader. All team members will meet prior to the effort and will go through a training session together prior to going into the field.

Concern ID: 22280

CONCERN STATEMENT: Commenters discussed the negative impact the plan would have on park operations, including the park staff and funds that would be diverted from other projects.

Representative Quote(s): **Corr. ID:** 370 **Organization:** *Not Specified*

Comment ID: 112000 **Organization Type:** Unaffiliated Individual

Representative Quote: If volunteers are used for direct reduction activities, either all park operations will have to shift priorities to manage the problem or additional employees will need to be recruited, trained and employed to manage the volunteer program. I question whether the park realistically has the ability to do so, either from a fundraising standpoint or an operational one.

Corr. ID: 370 **Organization:** *Not Specified*

Comment ID: 112001 **Organization Type:** Unaffiliated Individual

Representative Quote: The DEIS states that Alternative B will generate "Impacts (to park operations) greatest if managing volunteers". It also correctly points out that,

although largely invisible to the public the time and personnel commitments to manage a volunteer program are substantial. Having both supervised volunteers and been a park volunteer myself, I can personally attest to that fact. Additionally the DEIS points out that the "Use of skilled volunteers would require intensive oversight that would not meet this objective". (Pg 118, Alternative B, in regards to minimizing the scope and frequency of manipulating elk in the park). If volunteers are not used for Alternative B, additional employees will need to be hired to carry out the action. Either way, personnel needs are greater than in Alternatives C and D. Alternatives C and D rely on proven methods of rounding up wildlife, including elk, that park employees have expertise and experience honed over many years of wildlife management specific to Theodore Roosevelt NP. Costs and techniques are well known and animal handling has been consistently humane. While euthanizing, sampling and storing the animals adds a new twist to roundups, CWD sampling and meat storage will require the same effort and expertise regardless of which alternative is selected.

Response: Implementation of the preferred alternative will have some negative impacts on park operations, but additional staff will be hired to ensure that the alternative does not divert many employees from their normal duties. Although the park will need to cover the costs of the alternative from base funds, it is hoped that an expected base funding increase in FY2012 will allow implementation of this alternative without pulling financial resources away from other park programs.

Concern ID: 22283

CONCERN STATEMENT: Several commenters discussed the safety issues involved with using volunteers, including the tough terrain volunteers would be exposed to in certain areas of the park, the costs of providing personal protective equipment and proper training, and questioned if worker's compensation claims would be offered. Commenters questioned if these costs have been included in the associated costs of the preferred alternative.

Representative Quote(s): **Corr. ID:** 370 **Organization:** *Not Specified*

Comment ID: 111997 **Organization Type:** Unaffiliated Individual

Representative Quote: Undoubtedly, many potential volunteers have hunted in areas surrounding the park, where road and ATV access make hunting activities and meat removal comparatively easy. The badlands in the park are not as readily accessible. Footing is difficult, particularly in the poor weather conditions likely to be encountered. The surface is prone to slumping or collapse underfoot, a factor that has killed wildlife and both feral and domestic horses in the park. While alternatives C and D would have the elk traveling on the own 4 feet to an area where large numbers could be processed, Alternative B will require shooting elk on-site then removing carcasses from the field on the back of people and horses, substantially increasing the physical labor and risk involved.

Corr. ID: 370 **Organization:** *Not Specified*

Comment ID: 111998 **Organization Type:** Unaffiliated Individual

Representative Quote: It is unclear why skilled volunteers would be responsible only for "assisting" in removing carcasses. Field dressing the meat and removing it will be the most labor intensive part of the operation and is probably best suited to volunteer help. Regardless of the best safety training, the likelihood of injury to staff and volunteers is relatively high due to weather, terrain, and use of firearms and prolonged nature of the action. Workman's Compensation claims could add to the

overall cost. All of these factors are far less in alternatives C and D.

Corr. ID: 380 **Organization:** *Not Specified*

Comment ID: 112047 **Organization Type:** Unaffiliated Individual

Representative Quote: 8. Volunteers are entitled to workman's compensation should they become injured. They will be hiking badland terrain and carrying heavy loads during fall and winter weather conditions, including slick footing and uneven, dangerous ground. The DEIS identified an increased potential in the Preferred Alternative for injuries and accidents. These types of claims are lengthy and time consuming. What workman's compensation claim costs are anticipated?

Corr. ID: 380 **Organization:** *Not Specified*

Comment ID: 112051 **Organization Type:** Unaffiliated Individual

Representative Quote: 9. VIPs must be provided with all personal protective equipment and training required by Occupational Safety and Health Administration (OSHA) regulations. What are the projected costs for those supplies/materials and training? It would be negligent for the NPS to take any shortcuts in training or safety requirements in order to accommodate volunteers who otherwise cannot commit the time necessary to be properly trained.

Response:

Information regarding requirements for firearms use and the skill of involved personnel has been developed for the preferred alternative and added into the description of Alternative B in the final EIS. A detailed cost analysis of the preferred alternative has been included in Appendix D of the EIS. The park recognizes that worker's compensation claims may arise as a result of the preferred alternative, however any costs related to such claims are speculative at this time. It is expected that any such worker's compensation claims would be of the same order and magnitude as claims made for other activities involving volunteers at the park.

Concern ID: 22287

**CONCERN
STATEMENT:**

Commenters stated that the DEIS underestimates the time required for direct reduction, suggesting that culling activities will take months each year to achieve the target population. Commenters requested additional details for how the volunteers would achieve target populations in sufficient time.

Representative Quote(s): **Corr. ID:** 122 **Organization:** *Not Specified*

Comment ID: 110517 **Organization Type:** Unaffiliated Individual

Representative Quote: In 2008, approximately 150 elk were harvested near the South Unit of TRNP. The elk were shot by hunters knowing that they will be able to keep the animal once harvested. As outlined in the preferred alternative, approximately 275 elk would be removed each year via reduction teams, that's nearly double what was harvested last year. Just based on that statistic alone, this method is destined to fail and is just prolonging the inevitable, most efficient, realistic method of reducing the elk population "capture elk for euthanasia and/or translocation".

Corr. ID: 370 **Organization:** *Not Specified*

Comment ID: 112002 **Organization Type:** Unaffiliated Individual

Representative Quote: I seriously question the feasibility of achieving a significant reduction using direct shooting, particularly relying on volunteers. The DEIS should

Response: The use of skilled volunteers to assist the park with elk reduction has been reviewed by the National Park Service and Department of the Interior and it has been determined that such use of volunteers does not violate the laws that guide NPS management or the use of volunteers. Under the preferred alternative, skilled volunteers would be treated essentially the same as NPS employees. The volunteers would be used to assist the park with culling the elk herd in order to protect park resources. Volunteers would be closely supervised and directed to shoot specific animals, with salvageable meat being donated to approved sources. The NPS distinguishes differences between hunting, a recreational experience, and culling, a necessary management action. A discussion of the Secretary of the Interior's authority to destroy wildlife in order to protect park resources is included in the final EIS in Chapter 1 beginning on page 36.

Concern ID: 22295

CONCERN STATEMENT: One commenter suggested utilizing volunteers during the maintenance phase as opposed to during the reduction phase. The commenter also noted that volunteers could be used during several of the activities prescribed under alternative D.

Representative Quote(s): **Corr. ID:** 370 **Organization:** *Not Specified*

Comment ID: 112006 **Organization Type:** Unaffiliated Individual

Representative Quote: If the National Park Service, for whatever reason, is absolutely set on using volunteers to shoot elk, use them during the maintenance phase of elk management, NOT the reduction phase. On the other hand, volunteers who are truly committed to effective wildlife management could be very helpful in carrying out many of the activities included in Alternative D.

Response: Under the preferred alternative, volunteers would be used for both the initial reduction and the maintenance phases. As described in the preferred alternative, should direct reduction be determined to be ineffective, the park would have the option of conducting a roundup and then either euthanizing or translocating elk in order to reach the desired population levels.

AL4000 - Alternatives: New Alternatives Or Elements

Concern ID: 22296

CONCERN STATEMENT: Commenters provided additional alternatives and elements to alternatives they suggest should be considered, including: restoring and making available additional elk habitat outside of the South Unit, which could involve creating conservation easements or compensating adjacent landowners for this additional habitat; modifying fence maintenance activities to encourage more elk to exit the park; expanding the boundaries of the park; and hiring a private firm to help manage a sustainable elk population.

Representative Quote(s): **Corr. ID:** 37 **Organization:** Wildlife Management Services

Comment ID: 111042 **Organization Type:** Unaffiliated Individual

Representative Quote: I strongly suggest and recommend that the park staff Elk Biologist, the Elk Biologist from the Dept of Game and Fish of North Dakota get together and decide what the optimal population of Elk should be and than hire an outside company (non political firm) to manage the number of Elk to a pre-determined number. Hiring an outside firm to reduce the number of Elk to a pre determined number does not have to be an overly expensive method. A Firm could easily incorporate the "volunteer" theme and compensate them accordingly by covering their expenses. The Park staff could be initially involved and practically involved without extra staff funding. Timing could be arranged to be ethical, biologically sound and park user friendly. Hiring a outside firm to reduce the population would reduce the conflicts with park rules and allow the right chooses to be made.

Corr. ID: 39 **Organization:** *Not Specified*

Comment ID: 111047 **Organization Type:** Unaffiliated Individual

Representative Quote: A properly run reduction could be conducted in a 60 - 90 day window with volunteers at fraction of the cost the current plan will cost. A private population reduction firm could be hired to facilitate the reduction with the use of volunteers at a fraction of the cost.

Corr. ID: 118 **Organization:** National Parks Conservation Association, Northern Rockies Region

Comment ID: 110551 **Organization Type:** Unaffiliated Individual

Representative Quote: While we support the proposed cull as a short term solution to addressing the immediate impacts associated with an over-abundant elk population, NPCA believes that it is critical the park lead an effort over the next five years that addresses the heart of the issue--lack of adequate habitat for the THRO elk population. We believe that only through a concerted and collaborative effort with adjacent landowners and land managers, will a sustainable long term solution be found. This approach could also provide significant additional elk hunting opportunities outside park boundaries. NPCA understands that there are many significant challenges to this approach, but we nonetheless request the park to move forward in this way.

Corr. ID: 130 **Organization:** *Not Specified*

Comment ID: 110427 **Organization Type:** Unaffiliated Individual

Representative Quote: It is imperative that we think in terms of a long term plan for the management of elk populations so that a band-aid need not be the solution each year. Let's be sure that the plan includes secure habitat growth for elk populations outside the park boundaries. It is important for the maintenance of Mother Nature's ecosystem that all of our unique species are allowed to thrive and in turn allow the food chain to continue in balance.

Corr. ID: 138 **Organization:** *Not Specified*

Comment ID: 110574 **Organization Type:** Unaffiliated Individual

Representative Quote: Conservation easements secured from adjoining landholders might be a pragmatic solution...

Corr. ID: 222 **Organization:** *Not Specified*

Comment ID: 111604 **Organization Type:** Unaffiliated Individual

Representative Quote: Based on existing programs in place with farmers, mining

and logging companies, and other entities, adjacent landowners could receive some type of compensation for allowing elk to have access to adequate winter habitat. Not a free-for-all, but one that has good, honest oversight to ensure this program is not abused as are other existing programs. The compensation could be in many forms, to include recognition or free access to National Park sites. It doesn't need to be monetary or a tax credit.

Corr. ID: 260 **Organization:** *Not Specified*

Comment ID: 111517 **Organization Type:** Unaffiliated Individual

Representative Quote: I would encourage the park managers to seek ways to expand Theodore Roosevelt National Park, to support the size and welfare of not only the elk herds, but other wildlife that have a refuge in the park.

Corr. ID: 404 **Organization:** *Not Specified*

Comment ID: 111078 **Organization Type:** Unaffiliated Individual

Representative Quote: In regards to the preferred alternative I favor D roundup and translocation. By that I mean identify areas of adjacent National Grasslands that are not within a mile of someone's ranch. Then you can open the fence and chase them out. Do this in conjunction with the N.D. Game and Fish Dept. on the day before elk hunting is to open. That way hunting opportunities are truly enhanced outside the park, and the animals have not had a chance to settle in on a ranch nearby.

Corr. ID: 467 **Organization:** *Not Specified*

Comment ID: 111598 **Organization Type:** Unaffiliated Individual

Representative Quote: Two, expand the Park so that it will make the numbers more sustainable.

Corr. ID: 552 **Organization:** *Not Specified*

Comment ID: 111629 **Organization Type:** Unaffiliated Individual

Representative Quote: I find culling a repulsive strategy which, at best might temporarily help reduce pressure on park resources but the real solution comes when we commit ourselves to working with adjacent landowners and federal and state managers to address the heart of the issue: the need for additional elk habitat outside the park in winter.

Corr. ID: 709 **Organization:** *Not Specified*

Comment ID: 111866 **Organization Type:** Unaffiliated Individual

Representative Quote: I do not support the killing of any wildlife, but I do want us to obtain more land for these animals...just killing wildlife never is the solution.

Response:

The NPS did consider manipulation of the fence, and restoring and making available additional elk habitat outside of the South Unit. However, because the fence is not designed to keep elk in the park, such manipulation would not be effective in dispersing elk to adjacent lands. Furthermore, dispersal of elk to adjacent lands would be inconsistent with the current land use plans for land surrounding the park, and the NPS received many comments opposing dispersal of elk to lands outside the park. The NPS also considered conservation easements outside the park, but the piecemeal nature of such conservation easements and the time needed to negotiate and enter into such agreements would not be consistent

with the purpose, need, and objective of the EIS, which calls for quick action to reduce the elk population inside the park. If the park were expanded by Congress, the NPS would be pleased to provide additional habitat for elk within the park boundaries. A private firm would not have any more capacity to manage an elk herd than the NPS as it would be bound by the same policies and boundaries as the NPS. Furthermore, as the EIS demonstrates, the availability of habitat for elk is not the issue, but rather the unregulated growth of the elk population in an unbalanced ecosystem. Recognizing this, NPS has developed this plan/EIS which would guide elk management for the next 15 years--or until conditions change that necessitate an update.

CC1000 - Consultation and Coordination: General Comments

Concern ID: 22282

CONCERN STATEMENT: Several commenters explained that a long term solution to the elk population problem can only be addressed by ensuring that elk have access to adequate winter habitat. Commenters suggested that the park collaborate with adjacent landowners and state and federal managers to identify elk winter habitat outside park boundaries. One commenter also suggested that the northern unit of the park could be opened up to increase elk winter habitat.

Representative Quote(s): **Corr. ID:** 296 **Organization:** *Not Specified*

Comment ID: 111105 **Organization Type:** Unaffiliated Individual

Representative Quote: However, the proposed elk management plan is really just a short-term solution. Therefore we want to request that the final park plan also include a significant commitment to work with adjacent landowners and state and federal managers to assure that elk have access to adequate winter habitat outside park boundaries, and where appropriate hunting opportunities might then be available.

Corr. ID: 301 **Organization:** *Not Specified*

Comment ID: 111099 **Organization Type:** Unaffiliated Individual

Representative Quote: Unfortunately, the proposed elk management plan is only a short-term solution. I strongly urge that the final park plan also include a significant commitment to work with adjacent landowners and state and federal land managers to assure that elk have access to adequate winter habitat outside park boundaries, where appropriate hunting opportunities may be available.

Corr. ID: 341 **Organization:** *Not Specified*

Comment ID: 111414 **Organization Type:** Unaffiliated Individual

Representative Quote: Local landowners will also benefit from better interaction between park service policy and private sector interests. Show them that you have a significant commitment to work with adjacent landowners and state and federal managers to assure that elk have access to adequate winter habitat both inside and outside park boundaries.

Corr. ID: 358 **Organization:** *Not Specified*

Comment ID: 111455 **Organization Type:** Unaffiliated Individual

Representative Quote: The proposed elk management plan is simply a short-term solution. I request that the final park plan also include a significant commitment to work with adjacent landowners and state and federal managers to assure that elk have access to adequate winter habitat outside park boundaries.

Response:

Although insufficient “winter habitat” is often cited as a factor limiting many large mammal populations (particularly in the mountainous western states), it has not been identified as a factor limiting the elk population in and around the South Unit of the park. As demonstrated by the preparation of this extensive elk management plan/EIS, elk research conducted by the park, and previous agreements with NDGF and USFS, the NPS remains committed to developing solutions for managing elk in and around the South Unit of the park. However, because the park does not have jurisdiction outside its administrative boundaries, much of the impetus—and leadership—for creating additional opportunities for elk outside the park must come from entities directly tasked with managing resources outside the park. The park considered but rejected the alternative of relocating elk to the North Unit as a solution to managing elk in the South Unit. The NPS believes that it would be irresponsible to create another closed population of elk within a fenced area until a solution is developed for their long-term management.

EL4000 - Elk Population: Impact of Proposal and Alternatives

Concern ID: 22223

**CONCERN
STATEMENT:**

One commenter stated that direct reduction of elk in the park would require years of sustained effort, thus prolonging the impacts of the elk population to park visitors, other wildlife, and park operations.

Representative Quote(s): **Corr. ID:** 370 **Organization:** *Not Specified*

Comment ID: 111999 **Organization Type:** Unaffiliated Individual

Representative Quote: Unless state hunting seasons outside the park result in large harvests of cow elk over the next five years, it is likely that direct reduction in the park will require months, not weeks, each year to achieve the target population. Even under the most optimistic scenario, five years of sustained effort will be required. This prolongs the potential for vehicle/elk collisions as well as the impacts of the elk population on park resources and neighboring ranchlands far longer than other action alternatives (1 year for alternative C, 3 years for alternative D). Alternative B prolongs impacts to park visitors, to other wildlife, and to park operations for 2-4 more years than other alternatives.

Response:

The duration of management actions under alternative B is addressed beginning on page 63 of the FEIS in the discussion of the fall and winter phases needed implementation. This is further clarified in the final EIS, which anticipates direct reduction with firearms would occur from November through February under the preferred alternative. The prolonged impacts associated with alternative B and the preferred alternative are also acknowledged throughout chapter 4 of the final EIS. However, as described in the August 10, 2009 preferred and environmentally preferable alternatives scoping brochure, the NPS selected the preferred alternative because it provides management flexibility, addresses concerns of the public, and has

the potential to make elk available to other parts of the country and other parts of North Dakota.

Concern ID: 22251

CONCERN STATEMENT: One commenter stated that actions under the preferred alternative would disrupt and increase elk movement inside and outside of the park.

Representative Quote(s): **Corr. ID:** 370 **Organization:** *Not Specified*

Comment ID: 111992 **Organization Type:** Unaffiliated Individual

Representative Quote: The preferred alternative will most likely keep other large wildlife on the move during times of the year when energy expenditures are the most detrimental. It would result in annual manipulation and disturbance of the elk herd during both the reduction and maintenance phases, whereas Alternatives C and D would require less manipulation and disturbance of elk and other wildlife during the maintenance phase (once every few years instead of every year). Of course, intensive annual management activities could also move elk out of the park during state hunting season, making more animals vulnerable to harvest. The effectiveness of this external harvest would be maximized if the state would better manage its hunt to target cows for a few years and severely limit the take of bulls.

Response: The NPS has acknowledged that actions under the preferred alternative have the potential to affect elk movement inside and outside of the park, especially while shooting is occurring. However, monitoring of the elk population would be conducted to provide feedback regarding the response of elk and the efficacy of the selected alternative. This would ensure that reasons for observed outcomes (success or failure) would be determined, and adjusted accordingly.

ON1000 - Other NEPA Issues: General Comments

Concern ID: 22239

CONCERN STATEMENT: One commenter stated that the DEIS and Preferred Alternative contain inconsistent information regarding meat distribution.

Representative Quote(s): **Corr. ID:** 370 **Organization:** *Not Specified*

Comment ID: 112003 **Organization Type:** Unaffiliated Individual

Representative Quote: The documents are inconsistent relating to meat distribution. The DEIS lists non-profit organizations, food banks and zoos as recipients. The preferred alternative lists state agencies and American Indian tribes but not food banks or zoos. The two documents should be consistent. Which state agencies? Do the state agencies supply meat to food banks or individuals? What criteria must be met to receive a donation of meat? More to the point, will park employees or volunteers end up with elk meat? If so, NPS ethics and integrity will be suspect.

Response: The meat donation process has been refined for the preferred alternative, considering the authority of the NPS to transfer government property (elk carcasses in this case)

to other entities. As described in the final EIS, the federal government cannot transfer federal property to a private individual, but it can make transfers to various groups including other government entities (state, city, Tribal or other authority) and non-profit organizations. As further described in the final EIS, if the NDGF partners with the NPS, the park would donate the majority of the meat to NDGF and the agency could then make the decision to donate the meat to whomever they like, including to the individuals that participated in the skilled volunteer program or to other people or organizations as they see fit. The NPS would work with the NDGF to ensure that some meat is donated to Tribes and charities. If the NDGF declines to partner with the NPS, the park would still look to donate the meat to other state agencies, Indian Tribes, charities or other approved organizations.

PN4000 - Purpose And Need: Park Legislation/Authority

Concern ID: 22226

CONCERN STATEMENT: One commenter questioned the park's authority of allowing volunteers to shoot elk inside of a national park as part of a management action.

Representative Quote(s): **Corr. ID:** 380 **Organization:** *Not Specified*

Comment ID: 112039 **Organization Type:** Unaffiliated Individual

Representative Quote: I also question the efficacy of allowing members of the public, enlisted as volunteers, to shoot elk in a national park as part of a management action. Again, quoting DO7; "Some examples of duties a VIP should not perform include&. Carrying modern firearms." While this is states specifically in examples related to law enforcement, the manual remains silent about using firearms specific to wildlife management actions. But the inference is there that having volunteers care firearms is inappropriate.

Response: The use of skilled volunteers to assist the park with elk reduction has been reviewed by the National Park Service and Department of the Interior and it has been determined that such use of volunteers does not violate the laws that guide NPS management or the use of volunteers.

SE4000 - Socioeconomics: Impact Of Proposal And Alternatives

Concern ID: 22232

CONCERN STATEMENT: Commenters stated that the cost of implementing the preferred alternative would be too high, while another commenter had concerns regarding the cost of hiring Federal agency employees.

Representative Quote(s): **Corr. ID:** 39 **Organization:** *Not Specified*

Comment ID: 111044 **Organization Type:** Unaffiliated Individual

Representative Quote: Mention was made of use of Federal Government employees, sometimes referenced to as Park Staff and other times as Fed employees as if non-park Staff. If the plan is referring to USDA- Wildlife Services employees the cost of

such involvement needs to be should and compared to the cost of using private wildlife services personnel for State resources, in other words how can it be justified hiring Federal agency over private sector? What is the cost of the alternative that is being proposed?

Corr. ID: 39 **Organization:** *Not Specified*

Comment ID: 111045 **Organization Type:** Unaffiliated Individual

Representative Quote: Under benefits of the plan it states: Volunteers would be used with this alternative; the park would not pay private contractors or outside individuals to shoot elk. They will be paying somebody and it will cost something, it is not clear and I believe intentionally that the government is using tax payer money to hire themselves where the same funds could be and should be used to provide employment instead of building government programs.

Corr. ID: 329 **Organization:** Badlands Conservation Alliance

Comment ID: 111964 **Organization Type:** Conservation/Preservation

Representative Quote: Furthermore, the public has been misled regarding the cost of implementing this preferred alternative. According to DEIS analysis, Alternative B is second only to Alternative D in expense for implementation; and Appendix D would suggest that use of citizen volunteers will move Alternative B, and thus the preferred alternative, into first place and the highest cost.

Response: The costs of the preferred alternative have been updated and are included both in Chapter 2 of the EIS beginning on page 89, and in Appendix D of the EIS.

Concern ID: 22236

CONCERN STATEMENT: One commenter questioned where the money would come from, from hiring additional personnel, while another commenter suggested the park use their existing operating budget to manage the elk.

Representative Quote(s): **Corr. ID:** 94 **Organization:** *Not Specified*

Comment ID: 110736 **Organization Type:** Unaffiliated Individual

Representative Quote: I suggest that the Park Service make this decision using their existing operating budget with no additional funds being made available and that they are responsible for all expenses incurred in the resolution of this problem which they have allowed to continue for so many years.

Corr. ID: 100 **Organization:** *Not Specified*

Comment ID: 110364 **Organization Type:** Unaffiliated Individual

Representative Quote: In many areas our parks are currently understaffed. Where will the money to hire such personnel come from? If we don't hire additional personnel, how will existing staff fulfill their traditional roles at Theodore Roosevelt National Park? Beyond these considerations, I am still concerned that allowing volunteer hunters in the park will set a precedent for hunting activity in other National Parks.

Response: Although the park will need to cover the costs of the alternative from base funds, it is hoped that an expected base funding increase in FY2012 will allow implementation of

this alternative without pulling financial resources away from other park programs.

Concern ID: 22238

CONCERN STATEMENT: One commenter stated that they believed the park left out the transportation costs, which made the preferred alternative appear to be the best choice.

Representative Quote(s): **Corr. ID:** 94 **Organization:** *Not Specified*

Comment ID: 110732 **Organization Type:** Unaffiliated Individual

Representative Quote: I have studied the management plan and as a Biologist I believe the plan was put together to make the round-up and transport of animals to other locations the preferred plan. This plan left out the transportation cost to another site and the man hours needed to accomplish this transference. These costs could be huge and are a cost to tax payer of some state or federal agency and should have been included in the total cost of that alternative plan. But, that would have made the plan less attractive, so these costs were left out to make this plan which I believe the Park Service prefers appear to be the best choice.

Response: On page 91 of the FEIS, it is explained that transportation costs cannot be estimated because they vary by recipient. For transportation, the proximity of the recipient to the park would be the biggest factor in determining shipping costs, and could vary greatly. As is further explained, the costs of transportation would be the responsibility of the recipient, so the costs would not be uncured by the NPS.

VE4000 - Visitor Experience: Impact Of Proposal And Alternatives

Concern ID: 22242

CONCERN STATEMENT: Commenters suggested that the park closures be minimized during management actions, ensuring that reduction efforts not affect visitor experience.

Representative Quote(s): **Corr. ID:** 34 **Organization:** *Not Specified*

Comment ID: 110929 **Organization Type:** Unaffiliated Individual

Representative Quote: The entire park should remain open to all visitors, but should not be totally open to the reduction efforts. The park is large enough and has enough "back country" areas that are not used heavily by the average visitor that the initial reduction efforts should be able to go on with little or no notice by the average visitor.

Corr. ID: 118 **Organization:** National Parks Conservation Association, Northern Rockies Region

Comment ID: 110544 **Organization Type:** Unaffiliated Individual

Representative Quote: NPCA understands that a cull is necessary at this time, but during the initial reduction phase of the preferred alternative, NPS must take action to protect park values that may be disturbed by this intervention to restore ecological balance in the park. For example, there will be substantial adverse noise impacts and potential threats to public safety that may necessitate park closures. NPCA encourages NPS to minimize park closures and preserve natural quiet to the

extent possible so that the elk cull does not unacceptably impact other park uses. We also ask for assurances that no motorized access be permitted off of established motorized routes for the purposes of retrieval of culled elk.

Response: As stated on page 61 of the FEIS, the NPS would close areas of the park if needed, providing appropriate notification to visitors. This would reduce the potential for park visitors to hear activities associated with the management actions. Noise suppressors would be considered at the discretion of the park during direct reduction with firearms, and no motorized vehicles would be used off of maintained park roads. The NPS will strive to minimize closures associated with implementation of the preferred alternative.

Concern ID: 22243

CONCERN STATEMENT: One commenter stated that reduction efforts under Alternative B would affect visitor experience by exposing visitors to area closures, noise disturbances, and elk carcasses.

Representative Quote(s): **Corr. ID:** 370 **Organization:** *Not Specified*

Comment ID: 111991 **Organization Type:** Unaffiliated Individual

Representative Quote: Alternative B, however, will most likely require months of intensive effort by numerous volunteers and/or staff throughout the park. Visitors could be subjected to large area closures, the sounds of firearms being discharged (unless noise suppressors are definitely required, rather than "may be required) and the sight of 250 to 300 elk carcasses being butchered and carried from the park. Kill locations would be obvious for some time. This is not an experience that some park visitors will appreciate. The best interpretive efforts will not eliminate the confusion about hunting vs. management activities, which, on the surface will look about the same.

Response: These impacts, which could occur under any alternative, are all acknowledged in the analysis of impacts to visitor use and experience in the final EIS.

Concern ID: 22244

CONCERN STATEMENT: Commenters suggested that direct reduction would affect animal behavior, thus compromising visitor experience.

Representative Quote(s): **Corr. ID:** 100 **Organization:** *Not Specified*

Comment ID: 110374 **Organization Type:** Unaffiliated Individual

Representative Quote: Surely, there will be pressures to use four-wheelers to facilitate carcass removal. If allowed, this would impact fragile grasslands and forbs and disturb wildlife. The qualitative experiences of other visitors to the park will surely be impacted too. I don't relish hiking on crisp fall day when I stand the risk of being struck by a stray high powered bullet.

Corr. ID: 110 **Organization:** *Not Specified*

Comment ID: 112148 **Organization Type:** Unaffiliated Individual

Representative Quote: Were hunters are let in to begin shooting animals the animals' behavior would change. They would fear people more as a threat to their lives and avoid us; the magic of the park will be harmed and visitors would come to mourn the loss.

Response: Potential effects on animal behavior has been addressed further in the visitor use and experience analysis in the final EIS for all alternatives.

VS4000 - Visitor Conflicts And Safety: Impact Of Proposal And Alternatives

Concern ID: 22245

CONCERN STATEMENT: Commenters stated that the use of firearms in the park would create an unsafe environment for park visitors, and that park visitors should not have to worry about stray bullets during direct reduction efforts. One commenter questioned how the park would ensure that visitors will not be shot during direct reduction efforts.

Representative Quote(s): **Corr. ID:** 108 **Organization:** *Not Specified*

Comment ID: 110585 **Organization Type:** Unaffiliated Individual

Representative Quote: Also, if a hunt has to occur where there is no option but to use volunteers, I would want it to be managed by the Park where a Law Enforcement Park Ranger is with the small group of people instead of a free for all in the park. Again, the mission of the Park and the Park Service is conservation and preservation and not multi-use like the US Forest Service and BLM. Park visitors should not have to be exposed to parts or all of the park closed to the visitor nor should the visitor be potentially in harms way from a wayward hunters' stray bullet.

Corr. ID: 110 **Organization:** *Not Specified*

Comment ID: 110561 **Organization Type:** Unaffiliated Individual

Representative Quote: When I'm at TRNP in spring, summer, fall or winter with my small children, and I'm there at all seasons depending on the year, I should not have to be in a position to worry about our safety. To me, that this is even being considered is incredible. I have hiked the close-to-road and the backcountry of TRNP for years. I try to blend in with nature when doing so. That's the magic of the park. That's the goal. Visitors should not be put in the position of having to try to stick out and be disruptive in the park in order to avoid being shot. I want to be able to go to TRNP to enjoy sanctuary from hunting, to learn about nature without disruption, as do all national park visitors.

Corr. ID: 115 **Organization:** *Not Specified*

Comment ID: 110318 **Organization Type:** Unaffiliated Individual

Representative Quote: Theodore Roosevelt is known among back-country campers as being an excellent place to explore, see the landscape, and encounter wildlife all while feeling relatively safe. Allowing even "trained" hunters to come in and destroy the atmosphere of the park could prove fatal

for both visitation and the unsuspecting visitor.

Corr. ID: 122 **Organization:** *Not Specified*

Comment ID: 110516 **Organization Type:** Unaffiliated Individual

Representative Quote: If it is determined that the use of skilled volunteers or federal employees is absolutely the most efficient way to reduce the elk population, how will the park ensure that I won't be shot at? Will the Visitor Center be providing blaze orange vests for all visitors? Will there be areas in the park closed to visitor use while the elk reduction teams are out? This would obviously change the entire park experience and overall would be a damn shame for the National Park Service. It would also set a precedent for other national parks to follow in these ridiculous footsteps.

Corr. ID: 329 **Organization:** Badlands Conservation Alliance

Comment ID: 111963 **Organization Type:** Conservation/Preservation

Representative Quote: The National Park System was not established to accommodate either hunters or armed citizen volunteers. Rather, it is a haven for wildlife and for a majority of National Park users specifically because it does not accommodate hunters or armed citizen volunteers. Those individuals and families seeking a solidly safe and unarmed outdoor experience during the life of this Plan would no longer be provided with the destination that Theodore National Park has offered. Indeed, promised.

Corr. ID: 370 **Organization:** *Not Specified*

Comment ID: 111990 **Organization Type:** Unaffiliated Individual

Representative Quote: My husband and I both hunt, however during hunting seasons, some visitors (including us) visit national parks to avoid potential hunter safety issues as well as to enjoy viewing wildlife undisturbed by hunting activities. While direct reduction of elk using firearms is a management action, not hunting, the impact on park visitors is largely the same. Of Alternative B, page 201 states "Although firearms are used routinely outside of the park during hunting seasons, their use in the wilderness area of the South Unit would create a substantial noise intrusion on solitude&. The presence of direct reduction teams would also contribute to the impacts" Alternative C would limit park-wide disturbance to both park visitors and wildlife to an, estimated 6 days. For another 16 days, disturbance would be centered around the wildlife handling facility on the eastern edge of the South Unit, an arm not frequented by park users. Alternative D would also limit park-wide disturbance, presumably to about 6 days far the initial CWD testing phase, then 1 day per year to round up elk for translocation. Presumably, another 2 weeks of disturbance would occur at the wildlife handling facility during the testing phase, with substantially less time [a day or two) required during translocation activities.

Corr. ID: 546 **Organization:** Sierra Club

Comment ID: 110998 **Organization Type:** Conservation/Preservation

Representative Quote: The assurance of visitor safety would be severely compromised if hunting within the Park was included as part of the proposed elk management plan. Families trying to enjoy the Park as they have since its inception should not have to deal with increased traffic and noise associated with hunting activities or worry about dodging an errant bullet shot from

miles away.

Corr. ID: 547

Organization: *Not Specified*

Comment ID: 111446 **Organization Type:** Unaffiliated Individual

Representative Quote: I think that the preferred alternative is hunting by another name - you will be allowing citizens to bring firearms into the park to kill elk, which will make the park unsafe for others for several months of every year for up to 5 years.

Response:

As stated on page 61 of the FEIS, the NPS would close areas of the park if needed, providing appropriate notification to visitors. This would reduce the potential for park visitors to hear activities associated with the management actions. Noise suppressors would be considered at the discretion of the park during direct reduction with firearms, and no motorized vehicles would be used off of maintained park roads.

LETTERS TO BE INSERTED HERE

Badlands Conservation Alliance

Field Office
801 North 10 Street
Bismarck, ND 58501
701-255-4958 badlandsconservationalliance.org

September 1, 2009

Valerie Naylor
Superintendent
Theodore Roosevelt National Park
PO Box 7
Medora, ND 58645

RE: Elk Management Plan / Preferred and Environmentally Preferable Alternatives

Dear Superintendent Naylor:

Badlands Conservation Alliance (BCA) is a non-profit organization whose mission focuses on restoration and preservation of western North Dakota's public lands, and includes watch-dogging those public land management agencies as to the principles of the laws that guide them.

Badlands Conservation Alliance rejects use of the Preferred Alternative for Elk Management in Theodore Roosevelt National Park.

More than one member of the BCA Board of Directors read the TRNP Elk Management Plan and DEIS in its entirety. As stated in our March 13, 2009 comments on the Draft Environmental Impact Statement (DEIS), we used the objectives formulated by the Science Advisory Team listed in *Attachment 1: Recommendations for Management of Elk at Theodore Roosevelt National Park* as a tool for our discussion on DEIS Alternatives. Those objectives are found on page 27 of said attachment and include:

1. Rapidly reduce elk numbers to <400.
2. Minimize the number of animals treated.
3. Minimize the frequency of treatments.
4. Minimize the maximum number of animals treated.
5. Sustain a population that includes approximately 100 cows, calves and associated yearling bulls.

To recap our findings, Alternative B, which is now identified as the base for the Preferred Alternative, was found deficient or inappropriate in all of the above objectives. The only place where Alternative B had merit was under objective #5 as a possible tool for the maintenance phase of the larger Elk Management Plan.

Under all other objectives it ranked least efficient, most lethal, involved the greatest number of animals treated and highest frequency of treatments. We acknowledge that aspects of other alternatives have been attached to the Preferred Alternative should the initial use of Alternative B (with skilled volunteers) be found lacking, but such mid-course correction or additional action would only increase the disturbance to all wildlife and to visitors.

The National Park System was not established to accommodate either hunters or armed citizen volunteers. Rather, it is a haven for wildlife and for a majority of National Park users specifically because it does not accommodate hunters or armed citizen volunteers. Those individuals and families seeking a solidly safe and unarmed outdoor experience during the life of this Plan would no longer be provided with the destination that Theodore Roosevelt National Park has offered. Indeed, promised.

Furthermore, the public has been misled regarding the cost of implementing this Preferred Alternative. According to DEIS analysis, Alternative B is second only to Alternative D in expense for implementation; and Appendix D would suggest that use of citizen volunteers will move Alternative B, and thus the Preferred Alternative, into first place and highest cost.

This is contrary to information provided the public from other sources and disseminated by the media as fact. The National Park Service had a responsibility to clarify this by whatever means necessary. Moreover, it should have done so immediately and without pause. Instead, the Park Service allowed itself to become mired in political maneuvering, leaving the general public ignorant and the interested public cut off at the knees.

The result is a convoluted Preferred Alternative without precedent, without defined boundaries and means, and without grounds in science or the convincing force of a straightforward NEPA process.

We may not be paying volunteers directly, but certainly the peripheries of notifying, selecting, training, directing, and managing this major action will involve professional man/woman power and significant time. Whether that funding comes out of state or federal coffers, it will include tax dollars of all citizens. We will all be subsidizing a unique and targeted experience for the chosen few, while eroding the very meaning and democratic value of a National Park.

BCA's March 2009 comments on the DEIS recommended that the National Park Service choose as its Preferred Alternative a combination of alternatives, with Alternative D holding primacy. That remains our position. At that time we suggested addenda to Alternative D that we hoped were thoughtful, that we hoped were considerate of a broad range of social issues and concerns (See March 13, 2009 letter). Alternative D has become the Environmentally Preferable Alternative. We find satisfaction in that and recommend its implementation for elk management in Theodore Roosevelt National Park.

The Council on Environmental Quality defines an environmentally preferable alternative as that which "causes the least damage to the biological and physical environment; it also means the alternative which best protects and enhances historic, cultural and natural resources." If a National Park cannot service that definition, we are a fading nation.

BCA closed its March 2009 DEIS comments with this paragraph:

BCA thanks you for this opportunity to comment. Theodore Roosevelt National Park is a unique landscape in North Dakota, and indeed, the United States. Our membership holds it in highest esteem and trusts that the National Park Service will not allow for diminishment of this most valued resource.

Do not make that trust but a memory from a bygone era.

Sincerely,



Jan Swenson
Executive Director
Badlands Conservation Alliance



THE HUMANE SOCIETY OF THE UNITED STATES

March 19, 2008

By Facsimile and First-Class Mail

Valerie Naylor, Superintendent Theodore Roosevelt National Park P.O. Box 7 Medora, ND 58645 Facsimile: (701) 623-4840

Re: Comments on Draft Elk Management Plan/EIS

Dear Superintendent Naylor:

On behalf of The Humane Society of the United States and the Fund for Animals (collectively "The HSUS") and our more than 11 million members and constituents nationwide, including over 19,000 in North Dakota, I submit the following comments to be considered on the Draft Elk Management Plan and Environmental Impact Statement ("Draft EIS") for Theodore Roosevelt National Park ("TRNP").

As discussed more fully below, The HSUS believes the use of private hunters as volunteer "authorized agents" in the lethal reduction of the elk herd in TRNP is unlawful under the National Park Service Organic Act and its implementing regulations, the Volunteers in the Park Act, and the National Environmental Policy Act. In addition, the decision to use volunteer hunters in this manner is imprudent and implicates serious policy and safety concerns.

I. NPS Use of Private, Volunteer Hunters Contravenes the National Park Service Organic Act and Its Implementing Regulations.

The National Park Service Organic Act ("Organic Act"), 16 U.S.C. § 1 et seq, explicitly charges the NPS with the management of the national parks, monuments, and reservations in conformity with "the fundamental purpose ... to conserve the scenery and the natural and historical objects and the wild life [sic] therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1 (emphasis added). Further, "authorization of activities" in individual parks "shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided for by Congress." 16 U.S.C. § 1a-1 (emphasis added). Thus,

Congress intended that the NPS' conservation goals be dedicated to, and carried out in accordance with an ethic of nonimpairment.

In keeping with this clear directive of nonimpairment, the NPS promulgated regulations prohibiting all hunting in national parks unless such activity is "specifically mandated" or "specifically authorized as a discretionary activity" under an individual park's enabling statute. 36 C.F.R. § 2.2(a)-(b). Federal courts have upheld the NPS's determination that the Organic Act expressly prohibits hunting and trapping activities in national parks unless otherwise specifically authorized by the park's enabling statute. See, e.g., Nat'l Rifle Ass'n of America v. Potter, 628 F. Supp. 903, 910 (D.D.C. 1986) (rejecting the NRA's interpretation of the Organic Act as allowing hunting, and finding that the legislative history of the Act "lead[s] to the conclusion that Congress did not contemplate any so-called 'consumptive' uses of the new park system it was creating."); Michigan United Cons. Club v. Lujan, 949 F.2d 202, 207 (6th Cir. 1991) (upholding the NPS's determination that trapping is permitted in national parks only where separately authorized by Congress "in light of the Organic Act and its amendments, that its primary management function with respect to wildlife is preservation unless Congress has declared otherwise"). The enabling act for TRNP, the TRNP Act, 16 U.S.C. § 241 et seq, is silent as to hunting, and therefore hunting is prohibited in the Park. 36 C.F.R. § 2.2(a)-(b). The Draft EIS acknowledges this, stating that hunting in the Park "would be inconsistent with existing laws, policies, regulations, and case law regarding public hunts in units of the NPS" and that "it would be inconsistent with long-standing basic policy objectives for NPS units where hunting is not authorized." Draft EIS at 95.

Here, the Draft EIS's "Alternative B," which contemplates hunting activity within the Park, is in clear violation of the express prohibitions against such activity contained in the Organic Act and its implementing regulations. Under Alternative B, "Direct Reduction with Firearms" "[d]irect reduction would be managed by the NPS and carried out by qualified federal employees and authorized agents. Authorized agents include, but are not limited to, other agency and tribal personnel, contractors, or skilled volunteers." Draft EIS at 96. Presumably, because they are neither federal nor other agency employees, tribal personnel, or paid contractors, these "skilled volunteers" will be local hunters, especially in light of the fact that "experience in the use of firearms for the removal of wildlife" is required to participate. Id. at 56-57.

The Draft EIS provides absolutely no explanation of how the use of volunteer hunters in this manner does not constitute hunting. While the Draft EIS states that the volunteer hunters "would be directly supervised in the field by NPS personnel," and would work in teams, Draft EIS at 57, no further distinctions are provided. Furthermore, Alternative B is practically indistinguishable from an alternative eliminated from further consideration by the NPS: "Initial Reduction and Maintenance by Certified Volunteer Sharpshooters (NDGF Alternative)." Draft EIS at 96. Under this alternative, eliminated because it "meets the definition of a managed public hunt," id., elk would be removed by "Certified Volunteer Sharpshooters," who would be "a North Dakota resident that has had an approved hunter education course . . . and would participate in a specialized training course designed by the park and NDGF. Once approved, the CVS would be given a permit to remove an elk from the park." Id. at 95-96. Presumably, the only distinction between

this rejected alternative and Alternative B is that the hunters would work in teams and be supervised by NPS personnel under Alternative B. *Id.* at 57.

Alternative B is in clear violation of the Organic Act and the NPS's implementing regulations. Simply put, this Alternative offers local hunters the recreational opportunity to kill in the Park under the guise of being "authorized agents" of the Park Service. The Organic Act specifically contemplates a distinction between those who must destroy natural resources as a duty of their job to protect park resources on the whole, and those who desire to destroy park resources for personal enjoyment or satisfaction. Indeed, the NPS itself acknowledges in the Draft EIS that "[w]hile the Organic Act gives the Secretary of the Interior the authority to destroy plants or animals for the purposes of preventing detriment to park resources, it does not give the secretary authority to permit the destruction of animals for recreational purposes." Draft EIS at 95. If the NPS implements Alternative B, the agency will be allowing exactly this.¹

II. NPS Use of Private, Volunteer Hunters Contravenes the Volunteers in the Parks Act and Established NPS Policy Regarding the Use of Volunteers

More specific limitations on public involvement in activities in national parks, even where related to administrative purposes of the NPS, are found in the Volunteers in the Parks Act ("VIP Act"). 16 U.S.C. § 18g *et seq.* This statute permits the Secretary to use the service of members of the public in limited administrative capacities only – specifically, "as volunteers for or in aid of interpretive functions, or other visitor services or activities" in Park Service units. *Id.* § 18g. The VIP Act does not authorize volunteer use in supplementing other functions of the NPS. In fact, the Senate Report accompanying the bill enacted into law only comprehends that it will allow the NPS to provide opportunities for "retired people" and the "young" to participate in activities such as providing "information services to visitors" and helping "in the interpretation of historical events." S. Rep. No. 1013, 91st Cong., 2d Sess. 2-3 (1970).

The VIP Act also states that "[i]n accepting such services of individuals or volunteers, the Secretary shall not permit the use of volunteers in a hazardous duty, except when such individuals are skilled in particular hazardous activities. 16 U.S.C. § 18g. The Senate Report explains that: "[i]t should be clearly understood that no volunteers are to serve in any hazardous or dangerous occupation where the risks of injury are foreseeable. This legislation is not intended to provide any authority to utilize volunteers to operate potentially dangerous machinery, nor should it be interpreted as authority to

¹ The Administrative Record for the Rocky Mountain National Park Elk Management Plan ("RMNP AR") makes clear the NPS's previous belief that the Park was offering a recreational opportunity to local hunters when it decided to use "skilled volunteers" as authorized agents. *See, e.g.*, RMNP AR at 4086 (stating that "[t]he principle difference in using public hunters and sharpshooters is recreational opportunity); *id.* at 7080 ("[w]hen the purpose is to provide a recreational experience it would be considered hunting"). Furthermore, with respect to the RMNP Elk Management Plan, the Department of the Interior's own solicitor clearly advised NPS staff that "if you have a private citizen pulling the trigger and collecting the animal it is hunting." *Id.* at 6886 (emphasis added).

utilize volunteers to do the jobs normally assigned to regular career employees." S. Rep. No. 1013 at 2.²

In keeping with the intent of the VIP Act, the NPS has promulgated rules setting out a detailed framework governing how parks are to implement the Act and specifically stating that volunteers are not to perform duties involving firearms. *See* Department of Interior National Park Service Reference Manual No. 7: Volunteers in Park Service 14, Final Draft, available at http://www.nps.gov/archive/volunteer/RM7_final_draft_6_06.pdf (last accessed March 17, 2009) (stressing that volunteers "must not be assigned duties that would place them in a life-threatening situation, even as an observer. Some examples of duties [volunteers] should not perform include . . . carrying modern firearms"). Indeed, it is clear that the use of volunteers in this manner has not previously been contemplated at TRNP, as the Park must now "develop specific guidelines for firearms use." Draft EIS at 57.

Notably, the Draft EIS indicates that implementation of Alternative B "would increase the potential for employee injury and accidents." Draft EIS at 230. Risks to "qualified federal employees and authorized agents" include potential exposure to Chronic Wasting Disease ("CWD") and risks associated with the handling, processing, and transport of elk. Draft EIS at 57. It is clear that the implementation of Alternative B is a "hazardous [and] dangerous occupation where the risks of injury are foreseeable," 16 U.S.C. § 18g; S. Rep. No. 1013 at 2, and involves "carrying modern firearms," Department of Interior National Park Service Reference Manual No. 7: Volunteers in Park Service 14, Final Draft, available at http://www.nps.gov/archive/volunteer/RM7_final_draft_6_06.pdf (last accessed March 17, 2009). This use of volunteers contravenes the VIP Act, its legislative history, and NPS's rules regarding the use of volunteers.

III. The Draft EIS Does Not Comply With NEPA

The National Environmental Policy Act ("NEPA") is this country's "basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). NEPA declares a national policy "to enrich the understanding of the ecological systems and natural resources important to the Nation," 42 U.S.C. § 4321, and makes it the "continuing responsibility" of all federal agencies "to improve and coordinate Federal plans, functions, programs and resources" in recognition of "the profound impact of man's activity on the interrelations of all components of the natural environment," including, among other impacts, "resource exploitation." *Id.* § 4331. The Council on Environmental Quality ("CEQ") is charged with promulgating regulations implementing NEPA that are "binding on all Federal agencies," 40 C.F.R. § 1500.3. Here, the Draft EIS violates NEPA and its implementing regulations in several ways.

² The RMNP AR supports this reading of the VIP Act. *See* Hunting 3-Page Paper (AR at 7443) ("consultations with the national VIP program office have indicated that the exception in the legislation [concerning the use of "skilled" volunteers] could not be used to allow volunteers to assist with animal reductions in parks") (emphasis added).

A. The NPS Should Prepare a Programmatic EIS in Order to Adequately Analyze the Impact of Using Volunteer Private Hunters

The use of volunteer, private hunters to kill ungulates in parks in conjunction with park management plans appears to be a new system-wide policy of the NPS.³ As discussed more fully above, the recent decision to use volunteer hunters to kill elk in RMNP marked the first time in its 93-year history that the NPS has permitted this activity. Since that decision, at least three more parks have incorporated the use of volunteer hunters in Draft EISs: TRNP, Wind Cave National Park, and Indiana Dunes National Lakeshore. See 73 Fed. Reg. 76,053-01 (Dec. 15, 2008); 74 Fed. Reg. 5180-02 (Jan. 29, 2009). In light of the fact that the potential impacts of the use of volunteer, private hunters in parks are extremely significant in their own right and have not yet been properly examined in any of the EISs,⁴ the NPS should prepare a programmatic EIS in order to adequately analyze these impacts.

NEPA requires agencies to prepare environmental impact statements for "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). An action "significantly affects the quality of the human environment" under NEPA if it implicates any of the ten significance factors outlined by the CEQ. See 40 C.F.R. § 1508.27(b). The use of volunteer, private hunters in lethal reduction activities in parks where hunting is prohibited implicates several of these factors in its own right, including adverse impacts on "public health or safety," the fact that the use of volunteers in this manner is "highly controversial," the presence of "unique or unknown risks," the fact that the decision "may establish a precedent for future action with significant effects" and, perhaps most importantly, "threatens a violation of Federal . . . law" and "requirements imposed for the protection of the environment." *Id.* The presence of any one of these factors requires the preparation of an EIS. See *Grand Canyon Trust v. FAA*, 290 F.3d 339, 340 (D.C. Cir. 2002) ("[i]f any significant environmental impacts might result from the proposed agency action then an EIS must be prepared before agency action is taken") (emphasis added); *Nat'l Wildlife Federation v. Norton*, 332 F. Supp. 2d 170, 181 (D.D.C. 2004).

"A programmatic EIS reflects the broad environmental consequences attendant upon a wide-ranging federal program. The thesis underlying programmatic EISs is that a systematic program is likely to generate disparate yet related impacts." *Found. on Econ. Trends v. Heckler*, 756 F.2d 143, 159 (D.C. Cir. 1985). See also *Kleppe v. Sierra Club*, 427 U.S. 390, 409 (1976) (stating that a programmatic EIS may be required in situations where several related proposed actions are pending at the same time). Here, the NPS's use of volunteer hunters in national parks across the country would certainly qualify as a

³ The NPS has recently stated that the agency "has not contemplated using volunteers in this manner in the past This issue has implications for the entire [NPS]." RMNP AR at 8607-08.

⁴ During development of the RMNP Elk Management Plan, which was the first plan to incorporate volunteer hunters, the agency intentionally chose to avoid addressing these issues, choosing instead "to use a FEIS for [RMNP] and a future plan with culling . . . to more fully vet the issues related to volunteers." RMNP AR at 8806. Unfortunately, this has not yet occurred.

"systematic program," *id.*, and, although impacts may vary slightly from park to park, it is undeniable that these impacts are related as they stem from the same activity: the shooting of animals in national parks by members of the hunting public. In addition, the CEQ regulations provide that an agency should prepare a programmatic EIS if proposed actions are "connected," "cumulative," or "sufficiently similar" that a programmatic EIS is "the best way" to identify relevant impacts and effects. 40 C.F.R. § 1508.25; *Heckler*, 756 F.2d at 159 (D.C. Cir. 1985). Finally, the failure of the NPS to produce a programmatic EIS for the use of volunteer hunters is in blatant disregard of the CEQ regulations which require that "broad actions" and "systematic and connected agency decisions" be considered in the same assessment. 40 C.F.R. § 1502.4(c); *id.* § 1508.18(b).

B. The NPS Must Consider a Reasonable Range of Alternatives, Including Non-Lethal Alternatives

NEPA requires federal agencies to "study, develop, and describe appropriate alternatives to recommended courses of action." 42 U.S.C. § 4432(E). NEPA's alternatives analysis is "designed to insure that an agency's single-minded approach to a proposed action is tempered by the consideration of other feasible options that may have different (and fewer) environmental effects." *Sierra Club v. Watkins*, 808 F. Supp. 862, 875 (D.D.C. 1991), and is "the heart of the [EIS]." 40 C.F.R. § 1502.14. A particular agency's statutory mandates and directives also play a critical role in determining the range of reasonable alternatives that the agency must address. See *Citizens Against Burlington v. Dusey*, 938 F.2d 190, 196 (D.C. Cir. 1991). Thus, a reasonable range of alternatives for NPS management plans would presumably include alternatives dedicated to the Service's legislative mandates to preserve the public value and integrity of park resources and abide by a principle of nonimpairment.

Here, the NPS has failed to adequately study, develop, and describe a reasonable range of alternative management plans for TRNP. Such an analysis would consider alternatives to lethal control to achieve the NPS's management objectives for the park and the wildlife that reside there. However, the alternatives proposed in the Draft EIS fail to constitute a reasonable range – e.g., they include only the "no action" alternative and four additional "action" alternatives, all of which involve lethal reduction.⁵ While the NPS must include an analysis of the "no action" alternative, because this alternative provides the baseline for the agency's analysis, the inclusion of the "no action" alternative alone does not create a reasonable range of alternatives. Efforts to develop non-lethal methods for initial reduction would help ensure that the Service is conforming to its legislative mandate to protect and preserve the Park System's natural resources.

⁵ Alternative B involves direct reduction of the elk herd with firearms. Draft EIS at 66-60. Alternative C involves roundup and euthanasia. *Id.* at 61-64. Alternative D, "Testing and Translocation," involves killing hundreds of elk for CWD testing and, if CWD is found or if translocation proves to be impractical, the herd will be reduced by another lethal alternative. *Id.* at 66-68. Alternative E, "Hunting Outside the Park," would involve dispersal of elk beyond park boundaries, at which point the NPS would work with NDGF to enhance hunting opportunities to reduce the population. *Id.* at 69. Alternative F, "Fertility Control," is analyzed solely for maintenance after initial lethal reduction. *Id.* at 71-76.

C. The NPS Has Underestimated the Impact of Lethal Reduction on Visitor Wildlife Viewing

The Draft EIS has underestimated the impact to wildlife viewing opportunities that will result once hundreds of elk are permanently removed from the South Unit of TRNP. Although the Draft EIS acknowledges that "many visitors came to the park for the opportunity to see wildlife," Draft EIS at 27, and that "[j]eweling wildlife and taking pictures are the most common visitor activities in the park," *id.* at 133, the lethal reduction activities proposed by the NPS here would obviously result in reduced potential for elk/human interactions. *Id.* In addition, the Draft EIS acknowledges that "[a]nnual direct reduction activities could deter visitors from travelling to the park during management actions and beyond if they disagree with this approach or if they are concerned their visit could be disrupted." *Id.* at 209. However, the Draft EIS downplays these impacts, stating that "currently the chances of seeing elk are not that high and it is unlikely that a decline in the elk population would be noticed by visitors, resulting in a negligible to minor adverse impact for those visitors." *Id.* at 223.

The Draft EIS also indicates that the lethal reduction activities would be conducted in the fall and winter, "when visitation is low," and that "[f]ew visitors would be affected because most visitation occurs in June, July, and August. . . ." *See, e.g.,* Draft EIS at 224. However, according to 2006 TRNP visitation statistics, nearly 45,500 visitors accessed the South Unit of the Park between October and February. This could hardly be considered a "few visitors," especially in light of the fact that the entire Park received an estimated 435,359 visitors that year. *See* <http://www.ohranger.com/theodore-roosevelt-park> (last accessed March 18, 2009). The Draft EIS severely downplays this potential impact to the wildlife viewing opportunities of nearly 10% of the Park's visitors.

Because one of NEPA's explicit purposes is to "assure . . . esthetically and culturally pleasing surroundings," 42 U.S.C. § 4331(b)(2), proper NEPA analysis requires the NPS to realistically depict the potential impact of intense lethal reduction of the elk herd on visitor experience at TRNP. *See Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 886 (1990) ("We have no doubt that recreational use and aesthetic enjoyment are among the sorts of interests [NEPA] [was] specifically designed to protect"); *Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1460 (9th Cir. 1996) ("agency decision can be found arbitrary and capricious where the agency entirely failed to consider an important aspect of the problem" and "a failure by the [agency] to address recreational concerns could be a basis for invalidating agency action").

IV. NPS Use of Private, Volunteer Hunters is Imprudent and Arbitrary

The HSUS believes the use of private, volunteer hunters as described in Alternative B would be imprudent and arbitrary. First, the use of private hunters, even on a volunteer basis, would cost the Park almost one million dollars more to implement the management plan than implementing the same using only qualified federal employees. The Draft EIS states:

Should skilled volunteers be used for direct reduction activities, the associated administration costs have been estimated at an additional \$68,668 per year (or \$1 million over 15 years), with much higher costs during initial reduction. These costs include the 5-10 seasonal employees needed to administer the skilled volunteer program . . . Due to the funding increase needed, impacts would be long-term, adverse, and moderate to major.

Draft EIS at 238. Furthermore, the Draft EIS reveals the significant negative impacts that the use of volunteer hunters would have on the administration of the Park in general. *See* Draft EIS at 238 (stating that "the potential for overseeing a skilled volunteer program for direct reduction with firearms on an annual basis would require a substantial change in park management and operations. As a result, there would be long-term, moderate to major, adverse impacts during initial reduction and annual maintenance activities, with the intensity being greater if skilled volunteers are used."); *id.* (stating that "[a]nnual management action would require temporary shifts in priorities in most divisions for weeks or months, resulting in long-term, moderate to major, adverse impacts. Impacts would be greatest if it is necessary to manage a pool of skilled volunteers").

Perhaps more importantly, the Draft EIS describes the significant safety risks the use of volunteer, private hunters as described in Alternative B would pose to both visitors to and employees of TRNP. *See* Draft EIS at 83 ("impacts to employee safety would be long-term, minor to moderate adverse); *id.* at 230 ("[t]he safety of both visitors and NPS employees at [TRNP] would be affected by implementation of the proposed elk management actions" and that "[t]hese activities would increase the potential for employee injury and accidents). The NPS attempts to downplay these impacts by describing its yet-to-be-developed - and therefore not disclosed to the public for consideration and comment - requirements for firearms use and the skill of the personnel involved but provides no detail as to how safety risks would be minimized. Furthermore, as described more fully above, while the Draft EIS states that lethal reduction activities would take place in the fall and winter, the number of visitors the park receives during these months is certainly not negligible, the Draft EIS does not indicate how the NPS plans to ensure that no visitors are in the area while elk are being shot. While it is easy to close parking lots and post signs, it is not as simple to close off foot trails that traverse the park and enter onto adjacent land.

Other parks have acknowledged the impropriety of using volunteer hunters to lethally reduce animals in the parks. For example, the Valley Forge National Historic Park Draft White-tailed Deer Management Plan/EIS ("Valley Forge Draft EIS") rejects the use of volunteers to kill deer in the park as "infeasible" due to the terrain of the park and continued use by visitors during the proposed management actions. Valley Forge Draft EIS at 2-2. Instead, lethal reduction would be carried out by authorized agents of the NPS, which do not include "skilled volunteers." *See id.* (authorized agents are "other state and federal agency personnel or contractors").

Finally, the use of volunteer, private hunters to lethally reduce the elk herd at TRNP is imprudent in light of the fact that the legality and propriety of this same action at RMNP is currently being challenged in Federal Court. *See WildEarth Guardians v. NPS*, No. 1:08-cv-00608 (D. Colo.).

V. Conclusion

The Draft EIS provides no reasonable justification supporting the use of volunteer, private hunters in the lethal reduction of the elk herd. Indeed, apart from providing local hunters a recreational opportunity in the Park, there is no reasonable explanation for this action. As discussed more fully above, this is in direct contravention of the Organic Act and the NPS's own regulations. This point is affirmed by the Leopold Report, an analysis compiled by a committee appointed by the Secretary of the Interior in the 1960s to address the overpopulation of elk in Yellowstone National Park:

We cannot endorse the view that the responsibility for removing excess game animals be shared with state fish and game departments whose primary interest would be to capitalize on the recreational value of the public hunting that could thus be supplied. Such a proposal imputes a multiple use concept of park management which was never intended, which is not legally permitted, nor for which we can find any compelling justification today.

Leopold, et al., Wildlife Management in the National Parks (1963), available at http://www.nps.gov/history/history/online_books/leopold/leopold5.htm (last accessed Mar. 19, 2009).

The use of volunteer hunters also contravenes the VIP Act, which does not contemplate the use of volunteers in this manner. Furthermore, the Draft EIS does not comply with NEPA. Finally, the Draft EIS raises significant cost, safety, and policy concerns associated with the use of volunteers, and provides no reasoned basis supporting the use of members of the public to kill elk in the Park.

Sincerely,

Kathryn J. Levy

Kathryn J. Levy, Esq.
The Humane Society of the United States
2100 L Street, NW
Washington, DC 20037



National Parks Conservation Association®
Protecting Our National Parks for Future Generations®

RECEIVED
SEP 09 2009
Theodore Roosevelt
National Park

Northern Rockies
Regional Office
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Bozeman, MT 59715
406.585.1390
406.585.1471 (fax)

Via fax, 3 pages
September 9, 2009

Glacier Field Office
P.O. Box 4488
Whitefish, MT 59937
406.862.6722
406.862.6753 (fax)

Superintendent Valerie Naylor
Attn: Elk Management Plan
Theodore Roosevelt National Park
P.O. Box 7
Medora, ND 58645

Grand Teton Field Office
P.O. Box 1173
Moose, WY 83001
307.733.6680
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Dear Superintendent Naylor:

Yellowstone Field Office

7 East Beaul Street
Bozeman, MT 59715
406.585.1390
406.585.1471 (fax)

On behalf of the National Parks Conservation Association (NPCA), I appreciate the opportunity to comment on the Theodore Roosevelt National Park Draft Elk Management Plan/Environmental Impact Statement Update/Preferred Alternative (these comments supplement our March 2009 comments on the related Draft Environmental Impact Statement). Since 1919, NPCA has been the leading voice of the American people in protecting and enhancing our National Park System, working together with our 340,000 members to preserve our nation's natural, historical and cultural heritage for our children and grandchildren. Thus, NPCA is particularly interested in the successful resolution to the wildlife management issues posed by the unsustainable elk population in Theodore Roosevelt National Park (THRO).

NPCA is supportive of the preferred alternative included in the updated EIS Preferred alternative document, which incorporates elements of several of the proposed alternatives in the December 2008 Draft EIS. It is important to note, however, that the preferred alternative, which would implement a cull to reduce the elk herd in THRO from approximately 900 to the target range of 100-400 elk, while an appropriate short term solution, does not resolve the underlying causes of this complex management problem. Therefore, we ask that NPS develop a long-term solution for maintaining a healthy ecosystem within and surrounding the national park. In the short-term, to fully protect park resources and values it is essential

that NPS establish rigorous certification requirements for volunteers involved in the cull and minimize public closures during the implementation phases.

The preferred alternative uses direct herd reduction "managed by the NPS and carried out by qualified federal employees and/or authorized agents." These agents include "skilled volunteers...including individuals identified through an NPS-developed system." The development of this system is a crucial component of implementing the cull - NPS must establish a rigorous certification program that protects park resources and values and public safety. The criteria used for elk culling in Rocky Mountain National Park provides a good example: NPS has recognized that an ideal candidate for the position "adheres to a strong conservation/preservation ethic...and has a desire to contribute to the overall ecological health" of the national park. Volunteers are required to pass a three-day training course including a range shooting test, pass a background test, and "have the ability to take direct supervision from NPS staff." These prerequisites help ensure that the volunteers and the public understand there is a distinct difference between culling an elk herd for conservation of the species and the ecosystem and allowing recreational sport hunters to have access to wildlife in national parks.

NPCA understands that a cull is necessary at this time, but during the initial reduction phase of the preferred alternative, NPS must take action to protect park values that may be disturbed by this intervention to restore ecological balance in the park. For example, there will be substantial adverse noise impacts and potential threats to public safety that may necessitate park closures. NPCA encourages NPS to minimize park closures and preserve natural quiet to the extent possible so that the elk cull does not unacceptably impact other park uses. We also ask for assurances that no motorized access be permitted off of established motorized routes for the purposes of retrieval of culled elk.

NPCA supports the distribution of culled elk to charities and local tribes, as noted in the preferred alternative. We do not support an alternative which allows volunteers to keep the culled animals.

The preferred alternative identifies an initial reduction phase of five years, and a maintenance phase of six to fifteen years that would involve the same methods as those used for the initial reduction phase. NPCA is concerned that the preferred alternative does not significantly address the root causes of this elk overpopulation, and strongly urges NPS to develop and implement long-term solutions following the initial reduction phase. In doing so, NPS should work with federal, state, and private landowners to increase the habitat available on adjacent or nearby lands for this species, allowing elk to roam over more of their historic range (including the northern unit of the park) to reduce population density within the southern unit of the park. We ask that the park commit to have a plan completed by the end of the

initial reduction phase that will result in significant additional seasonal and/or permanent habitat, thereby eliminating the need for a cull based on population numbers. While we support the proposed cull as a short term solution to addressing the immediate impacts associated with an over-abundant elk population, NPCA believes that it is critical the park lead an effort over the next five years that addresses the heart of the issue—lack of adequate habitat for the THRO elk population. We believe that only through a concerted and collaborative effort with adjacent landowners and land managers, will a sustainable long term solution be found. This approach could also provide significant additional elk hunting opportunities outside park boundaries. NPCA understands that there are many significant challenges to this approach, but we nonetheless request the park to move forward in this way.

As part of a long term solution, we also ask that NPS consider the potential for reintroducing natural predators of elk to the ecosystem, which would help restore natural processes and reduce the need for direct population management. In addition, if it is determined that the cull alone is not resulting in the park reaching targeted population levels after the initial reduction phase, we request that the park first consider non-lethal population management techniques, such as fertility control, before it considers a roundup of animals. These non-lethal population control techniques could be combined with the long term habitat plan after the initial reduction phase, resulting in a sustainable elk population without the need for an in park cull.

As NPS continues to develop the elk management plan for Theodore Roosevelt National Park, NPCA is committed to acting as a partner to work towards establishing a balanced ecosystem, including a diversity of wildlife, in Theodore Roosevelt National Park. Such an effort is fundamental to the Park Service's mission of conservation and protecting park resources for future generations.

Sincerely



Andy Stevens
Director, Northern Rockies Region
National Parks Conservation Association
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406-223-3137

F-1

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

GOVERNOR, John Hoeven
DIRECTOR, Terry Steinwand
DEPUTY, Roger Rosvat
100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095
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October 8, 2009

Daniel N. Wenk
Deputy Director, Operations
National Park Service
1849 C Street N.W.
Washington, DC 20240

Dear Mr. Wenk:

This letter will serve as the North Dakota Game and Fish Department's (Department) official comments on the Preferred Alternative for the Theodore Roosevelt National Park (TRNP) Draft Elk Management Environmental Impact Statement (EIS) as presented in your document of August 10, 2009.

Let me begin by thanking you and your staff for the extra effort you went through in traveling to Bismarck to meet with a representative of Governor John Hoeven, Senator Dorgan, and our Department in September. That meeting was very informative and helped clarify many of the concerns we had regarding your Preferred Alternative. In addition, the answers you provided in your October 5, 2009 letter to Governor Hoeven responding to the specific questions we posed regarding the Preferred Alternative were also very helpful.

As a result of the meeting and after receiving your written responses to the list of specific questions, it is apparent that the NPS is seriously considering a Preferred Alternative that we believe is reasonable and will be effective in reducing and maintaining the TRNP elk herd at a sustainable and responsible level. Based on these considerations, we encourage the NPS to select the Preferred Alternative as described in our meeting and in the responses to our questions. We will not support any of the other alternatives detailed in the EIS because we believe they collectively are: not workable, too costly, and not sustainable as effective methods to manage elk populations in TRNP.

We understand the NPS must continue the legally mandated EIS process prior to making a final decision on which alternative will ultimately be selected. As this process continues toward completion we offer our assistance as a re-engaged Cooperating Agency. Once the Preferred Alternative is selected and the Record of Decision is finalized, we will be prepared to assist the NPS in designing and implementing what we believe to be a landmark wildlife management

program. This will be an opportunity to provide a showcase to the nation that federal and state agencies can work together utilizing time tested wildlife management techniques to maintain the elk population in and around TRNP at a level that meets the needs of a wide range of affected interests. We believe this can be done in such a manner that will be respectful to the national park, to the elk resource, and to all the stakeholders who have an interest in our national parks and responsible wildlife management.

As noted early on in the EIS process, this has been a very difficult and incredibly challenging issue. However, managing elk populations into the future is a critical issue that needed to be addressed not only at TRNP but at national parks nationwide. We believe the NPS, by selecting the Preferred Alternative as it has been discussed, will be choosing the right path forward and our Department looks forward to assisting you in this endeavor.

Sincerely,



Terry Steinwand
Director

cc: Ryan Bernstein



Julie Ellingson
 <jellingson@ndstockmen.org>
 To: <thro_forum@nps.gov>
 cc
 bcc
 Subject: Comments
 09/10/2009 10:45 AM

Sept. 9, 2009

Superintendent
 Attn. Elk Management Plan
 PO Box 7
 Medora, ND 58645

Dear Theodore Roosevelt National Park Officials:

Thank you for extending the comment period on the Theodore Roosevelt National Park Draft Elk Management Plan/Environmental Impact Statement, and for working to address the overpopulated elk herd there.

As we have communicated, our member-passed resolution points out the impact of the now nearly 900 head of elk in the park and their potential for property destruction and disease transmission. Our resolution endorses all 'appropriate actions' being used to prevent the elk's escape and overproduction, so we support the decision to use direct reduction with firearms. Our resolution, however, opposes any release of the animals onto federal, state or private lands in North Dakota. Therefore, we do not support the translocation component that could be launched under this plan. This, we believe, has the potential for expanding the problem to new areas. Also, state and federal health requirements may not apply on tribal lands, one of the examples listed in the summary.

We believe that, in addition to the chronic wasting disease testing that is outlined in the plan, testing for brucellosis and tuberculosis would also be in order for the animals that are removed. Both are diseases that would have economic significance to the state's livestock industry and economy as a whole, and it would seem appropriate to use the situation to gather this disease surveillance data at the same time the other data is being collected.

Thanks again for the opportunity to comment on this plan.

Respectfully,

Julie Ellingson
 North Dakota Stockmen's Association



Elk comments 3-09.doc

Sept. 9, 2009

Superintendent
 Attn. Elk Management Plan
 PO Box 7
 Medora, ND 58645

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Thanks again for the opportunity to comment on this plan.

Respectfully,

Julie Ellingson

Executive Vice President
North Dakota Stockmen's Association



3 September 2009

Superintendent
Attn: Elk Management Plan
Theodore Roosevelt National Park
PO Box 7
Medora, North Dakota 58645

Dear Superintendent:

The Rocky Mountain Elk Foundation supports the use of Alternative B (direct reduction with firearms by federal employees and designated agents) only if the procedures and policies developed for the use of designated agents (i.e. qualified citizen shooters) are designed to encourage citizen participation and designed to result in an efficient and effective reduction in the elk herd within Theodore Roosevelt National Park. We strongly recommend that the NPS engage the North Dakota Game and Fish Department in the plan's development process to best utilize their experience and expertise in managing big game populations through human intervention.

The Rocky Mountain Elk Foundation does not support the "suite of options" listed under Alternative C (roundup and euthanasia) and Alternative D (roundup and translocation) and does not support the use of firearms under Alternative B for the Maintenance Phase if it involves strictly federal sharpshooters. If Alternative B is designed and implemented correctly, the other options will be unnecessary and cost prohibited.

Sincerely,

A handwritten signature in cursive script that reads "Rod Gilmore".

Rod Gilmore
North Dakota Regional Director
1313 16th St SE
Mandan, ND 58554
701-663-0207

September 9, 2009
Page 2

challenge to Rocky Mountain National Park's use of volunteers to manage their elk overpopulation.

Qualified Volunteers To Assist in Lethal Reduction of Elk

As SCI and SCIF discussed in their March 19, 2009 comments submitted in response to the original draft Plan and EIS, the use of qualified volunteers for wildlife management on National Parks is a legal and efficient strategy for reducing and maintaining the park's elk population. The use of volunteers does not violate the National Park Service Organic Act nor any other law, regulation or policy governing conduct and/or wildlife or resource management on TRNP. SCI and SCIF's previous comment letter discusses in great detail the legality of using qualified volunteers. SCI and SCIF urge the NPS to thoroughly document (1) the agency decision-makers' research and recognition of the legal basis for the decision to use volunteers as agents of the park in wildlife management; and (2) in particular, the conclusion that the use of skilled volunteers in the Park would not violate the ban on hunting in the Park.

SCI and SCIF also urge the NPS to modify the existing preferred alternative so that participating volunteers will be permitted to keep a portion of the meat from the cull. Although SCI and SCIF see nothing wrong with allowing qualified volunteers to keep a portion of the meat, and/or even the antlers where appropriate, from the specific animal that the volunteer culls, at the very least the volunteer should have the option to keep a portion of the meat from the general cull for personal and family consumption. Since the NPS deems it legal to compensate professional sharpshooters financially, a limited distribution of meat to those who participate should be just as legal. SCI and SCIF note that Rocky Mountain National Park's ("RMNP") volunteer program allows participants to keep a portion of the meat from the general cull. See RMNP Record of Decision at 9, dated Feb. 15, 2008.

As mentioned above, RMNP's use of qualified volunteers has been challenged in federal district court in Colorado. SCI and SCIF are confident that the NPS should prevail in that litigation. Nonetheless, litigation introduces uncertainty. If, for some reason, the Colorado District Court incorrectly interprets the law, that single ruling should not deter TRNP from carrying out its volunteer program. Such a decision would involve a different park in a different state and be based on a different management plan than the one under consideration for TRNP.

SCI and SCIF commend RMNP for moving forward with a plan that includes the use of skilled volunteers. The managers of RMNP's program likely have learned much from their early experiences and have much to share with TRNP's staff. Without having a great deal of data about the costs and efficiencies of RMNP, SCI and SCIF perceive that RMNP's initial efforts were conducted very conservatively and with a great deal of caution, perhaps because of the innovative nature of the program or because of an ongoing legal challenge. SCI and SCIF are concerned that the conservative approach may have interfered with the NPS's ability to make an accurate assessment of the cost-

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501 2nd Street, NE, Washington, DC 20002 • Phone 202 543 8733 • Fax 202 543 1205 • www.safariclub.org



September 9, 2009

Valerie J. Naylor
Superintendent
Attn: Elk Management Plan
Theodore Roosevelt National Park
P.O. Box 7
Medora, North Dakota 58645
By e-mail: thru_forum@nps.gov

Re: Comments on Preferred Alternative for Theodore Roosevelt National Park Draft Elk Management Plan/EIS

Dear Superintendent Naylor:

Safari Club International and Safari Club International Foundation ("SCI and SCIF") appreciate the opportunity to comment on the Preferred Alternative for Theodore Roosevelt National Park's Elk Management Plan/EIS. ("Plan and EIS") As discussed below, SCI and SCIF support the selected alternative and offer the following recommendations for improving the strategy as described in the August 10, 2009 Theodore Roosevelt National Park Draft Elk Management Plan/Environmental Impact Statement Update ("Update").

Safari Club International and Safari Club International Foundation

Safari Club International, a nonprofit IRC § 501(c)(4) corporation, has approximately 53,000 members worldwide, including many who live in and hunt throughout the United States and in many countries around the world. SCI has members who live and/or recreate in and in the vicinity of Theodore Roosevelt National Park ("TRNP"). SCI's missions include the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. Safari Club International Foundation is a nonprofit IRC § 501(c)(3) corporation. Its missions are to fund and manage worldwide programs dedicated to wildlife conservation, outdoor education and humanitarian services. SCI and SCIF have commented in support of the use of skilled volunteers to assist in deer and elk management in National Park Service units across the country. SCI and SCIF also have been actively engaged in litigation involving National Park Service wildlife management and, in particular, SCI and SCIF are currently participating in litigation in federal district court in Colorado to defend a

Safari Club International - Washington DC Office
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savings and efficiency of using skilled volunteers for wildlife management. SCI and SCIF recommend that TRNP take advantage of the logistical experience of their RMNP counterparts but make their own judgments about the most efficient approach to the training and use of volunteers. TRCP staff also should rely primarily on their own program's costs and results to determine the merits of long-term use of volunteers for elk management.

The participation of truly qualified participants will be essential to the success of the volunteer program. To obtain those volunteers, TRCP will need to advertise the opportunity and provide interested parties with enough time to apply and a reasonable means of obtaining and submitting their applications. Unfortunately, RMNP limited the accessibility of its program by publicizing the program for a very limited time and only on its website. Technical problems may have prevented many interested parties from applying. It is likely that many who were interested in participating as volunteers never learned of the opportunity until it was too late to apply. SCI and SCIF hope to work with RMNP to make sure that qualified members of the hunting community learn of this volunteer opportunity and are given adequate time to apply. SCI and SCIF recommend that TRCP improve on RMNP's process by working with local and national hunting and recreational shooting organizations to publicize the program and search for interested and qualified applicants. SCI and SCIF would welcome the opportunity to work with the TRCP staff to make sure that information is disseminated to the public.

Use of Non-Lead Ammunition

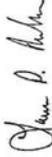
SCI and SCIF are concerned that the Plan's requirement that the cull be conducted with exclusively non-lead ammunition may be used as precedent for broader ammunition restrictions throughout the National Park System. At this time, the NPS has offered insufficient scientific evidence of harm from the use of lead ammunition for the cull of large game and/or that the lowest risk of hazard comes from the use of non-lead ammunition for the cull of large game. Before broader, mandatory programs are imposed, the NPS should make sure that it has sufficient science to support such programs.

Conclusion

Volunteer agents have been used throughout the country as a means of efficiently and economically reducing and managing wildlife populations. SCI and SCIF are pleased that the NPS recognizes the value of this strategy and hope that the NPS is willing to work with the hunting community in a partnership that will benefit the wildlife and habitat enjoyed and valued by the public. SCI and SCIF stand ready to assist the NPS in moving forward with this important program.

Please contact Anna Seidman (aseidman@safariclub.org) or Doug Burdin (dburdin@safariclub.org), 202-543-8733, if you have any questions or we can provide any further assistance.

Sincerely,



Larry Rudolph
President,
Safari Club International
Safari Club International Foundation



North Dakota Office
311 E. Thayer Ave. STE 113
Bismarck, ND 58501
701-530-9288 fax 530-9290

Wayde Schafer
Regional Representative
Dacotah Chapter of the Sierra Club
311 East Thayer #113
Bismarck, ND 58501
(701)530-9288

September 9, 2009

Superintendent
Theodore Roosevelt National Park
P.O. Box 7
Medora, ND 58645-0007

Re: Draft Elk Management Plan Preferred Alternative

Dear Superintendent:

I am writing on behalf of Dacotah Chapter of the Sierra Club (Chapter) regarding the Draft Elk Management Plan/Environmental Impact Statement (Plan) Preferred Alternative. I have attached the Chapter's comment letter, dated March 19, 2009, as a reference as to the Chapter's position regarding elk management in Theodore Roosevelt National Park. The following comments will be specifically directed to the Preferred Alternative as presented in the National Park Service publication of August 10, 2009. As stated in our previous comments, the Chapter supports **Alternative D: Testing and Translocation**, the "environmentally preferable alternative." This alternative will meet the objectives of reducing elk numbers and maintaining a viable population while assuring quality visitor experiences and adhering to existing laws, policies, and regulations.

The Preferred Alternative is more expensive, infinitely more disruptive to visitors and wildlife, and takes much longer to reduce elk numbers (5 years versus a few days) than Alternatives D and C. The Preferred Alternative also completely ignores the science found in the EIS and appears to have been unduly influenced by the politics surrounding this issue.

Dacotah Chapter respectfully urges The National Park Service to adopt **Alternative D: Testing and Translocation as the Final Alternative**.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Sincerely,

Wayde Schafer
Regional Representative
Dacotah Chapter of the Sierra Club
311 East Thayer #113
Bismarck, ND 58501
(701)530-9288

March 19, 2009

Superintendent
Theodore Roosevelt National Park
P.O. Box 7
Medora, ND 58645-0007

Re: Draft Elk Management Plan

Dear Superintendent:

I am writing on behalf of Dacotah Chapter of the Sierra Club (Chapter) regarding the Draft Elk Management Plan/Environmental Impact Statement (Plan). The Chapter has been actively involved in Theodore Roosevelt National Park (Park) management issues for many years. Our members often recreate at the Park, both individually and as a group.

The Chapter is opposed to any final management alternative that allows public recreational hunting in the Park. Public recreational hunting within Park boundaries is incompatible with other historic and sanctioned uses in the Park and is "inconsistent with existing laws, policies, regulations, and case law regarding public hunts in units of the National Park System". The assurance of visitor safety would be severely compromised if hunting within the Park was included as part of the proposed elk management plan. Families trying to enjoy the Park as they have since its inception should not have to deal with the increased traffic and noise associated with hunting activities or worry about dodging an errant bullet shot from miles away. Right now the Park serves as a place for the non-hunting public to enjoy the outdoors without encountering the hunting activities found on the surrounding Little Missouri National Grasslands. Any curtailment of Park visitation in order to facilitate recreational hunting is wholly unacceptable. The Chapter is also very concerned about the precedent, with regards to other national parks, that would be set if public recreational hunting is allowed within the Park.

The Chapter supports **Alternative D: Testing and Translocation**. This alternative will meet the objectives of reducing elk numbers and maintaining a viable population while assuring quality visitor experiences and adhering to existing laws, policies, and regulations.

Thank you for the opportunity to comment on this proposal.

Ron His Horse Is Thunder
Chairman



Avis Little Eagle
Vice-Chairwoman

Geraldine Agard
Secretary

August 19, 2009

Superintendent
Theodore Roosevelt National Park
P.O. Box 7
Medora, North Dakota 58645

Dear Sir:

Our Tribe is interested in participating in your efforts to control the elk population within Park boundaries. We do not necessarily agree with the alternative selected in your Environmental Impact Statement, however, we realize it is necessary to control the nine hundred (900) resident elk within the Park.

We would like to provide several Tribal members to act as volunteer hunters during your controlled hunts. By having our own people involved, we will be better able to take care of the meat and transfer the meat to our Reservation for distribution to the needy and elderly.

We will provide our volunteer hunters at no cost to the Park Service in return for meat for our members.

Please contact me for more information or to coordinate your efforts. Thanking you in advance for your assistance.

Sincerely,

STANDING ROCK GAME, FISH & WILDLIFE

Jeff Koby, Director

cc: Senator Byron Dorgan



THE WILDLIFE SOCIETY

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E-mail: tws@wildlife.org

8 September 2009

Valerie Naylor, Superintendent
Attn: Elk Management Plan
Theodore Roosevelt National Park
P.O. Box 7
Medora, North Dakota 58645

via email to: thro_forum@nps.gov

Dear Superintendent Naylor:

The Wildlife Society appreciates the opportunity to provide comments on the preferred alternatives selected for the Draft Environmental Impact Statement (DEIS) for the management of elk within the south unit of Theodore Roosevelt National Park (TRNP). The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing over 8,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals—the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

The Wildlife Society supports the Park Service's efforts to manage the elk population at TRNP in a manner that is compatible with its other natural and cultural resources. Both The Wildlife Society and our North Dakota Chapter reviewed the DEIS and the alternatives selected for elk herd management, and provided comments in March. With the identification of a preferred alternative, we offer the following comments.

The proposed desired condition of a "lightly grazed system" in TRNP recognizes the need to balance use by all animal groups using the grassland ecosystem. Since the proposed elk herd goals are predictive and the resulting impacts need to be ratified by experience and testing the results, we believe that the studies and discussion presented support the conservative goals of 100 minimum to 400 maximum set out in the DEIS, and are suitable for testing this management plan during the proposed project plan life of 15 years.

In our March 2009 comments, we recommended that the park adopt Alternative C (Roundup and Euthanasia) as the best alternative to accomplish the TRNP elk management objective. We selected this option because the Park Service has experience in conducting this type of operation, it is the most efficient and timely of all the alternatives, and it minimizes complications with the unknowns associated with other alternatives such as weather delays, carcass removal issues, access to elk in badlands topography, adjacent land owner acceptance, and length of time to accomplish the desired outcome. Further, it allows the most precision in selecting which

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individual animals will be retained or removed from the herd to meet population management goals.

Thomas M. Franklin
President

We noted that the methods called for by Alternative B (Direct Reduction with Firearms) and Alternative C (Roundup and Euthanasia) have proven track records at the park and in other circumstances, giving credibility as realistic alternatives. Therefore, we support the inclusion of elements from both of these alternatives in the preferred alternative. A timely and efficient initial reduction in elk numbers will lessen the chance of elk dispersing on to private land and causing problems for neighboring ranchers. To the extent it is compatible with the stated goals, bulls should not be put down, but released back into the park. By focusing the reduction on the female segment of the population, excess satellite bulls will likely continue to wander out of the park, thereby giving hunters the opportunity to have access to harvest these animals.

However, we still have concerns about translocation (Alternative D) as a viable option because there is currently no definitive live test for Chronic Wasting Disease (CWD) in elk. Therefore, adherence to the federal moratorium on transporting live elk outside the TRNP for release should be maintained. Translocation of native and exotic wildlife, captive propagation of wildlife, and high fence enclosures have been identified as three of the top five risk factors associated with the spread of diseases such as CWD and tuberculosis in wildlife, and therefore must be carefully regulated. Because of these concerns about the effects of translocation, we do not agree that Alternative D is the environmentally preferred alternative.

We support the exclusion of Alternatives E and F from the preferred alternative. Alternative E (Hunting outside the Park) does not seem practical due to the difficulties in obtaining landowner and agency acceptance, and the lack of experience in accomplishing this type of action. In Alternative F, fertility control agents would be used for maintenance of the elk herd once the initial herd reduction has been accomplished, if and only when suitable agents are developed that meet the criteria detailed in the DEIS. Currently the use of immunocontraceptives is not a viable option for use on the elk herd and until research proves that acceptable agents and efficient and effective delivery systems are available, the Park Service should not consider this Alternative as a management tool.

We commend the Park Service on its flexibility and recognition of the need for Adaptive Management, which allows managers to adapt to changing conditions and new information. In summary, we support the Park Service's goal to maintain a population of 100-400 individuals within the herd and encourage the implementation of Alternatives B and C for management. Incorporating elements from both in the preferred alternative will provide the optimum, most efficient management solution. We maintain that Alternatives D, E and F should be excluded from the preferred alternative due to the associated risks and constraints. Adherence to these principles will lead to the most effective management of elk in the TRNP.

Thank you for considering the views of wildlife professionals.

Sincerely,

Thomas M. Franklin



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



September 8, 2009

Valerie Naylor, Superintendent
Theodore Roosevelt National Park
P.O. Box 7
Medora, North Dakota 58645-0007

Dear Superintendent Naylor,

This letter is in response to the National Park Service's (NPS) request for comments on the identified Preferred Alternative for elk management at Theodore Roosevelt National Park.

The North Dakota Chapter (Chapter) of The Wildlife Society has offered our comments on this action throughout the process, and has reviewed the Draft Environmental Impact Statement and the Supplemental Newsletter. We believe the Park has done a thorough job of identifying the issues and opportunities to achieve long-term management of the Parks grassland ecosystem. The identification of a preferred alternative by the NPS signals an end to the information gathering and formulation of the preferred alternative through public input. It is important now to move expeditiously to implement conservation of the grassland ecosystem through a reduction in the elk herd population.

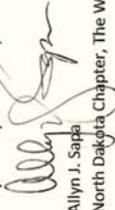
The combination and selection of the suite of options as the preferred Alternative offers the Park the flexibility in achieving the goal of elk herd reduction. The details of how this plan would be implemented remain unclear. It is incumbent upon the NPS now to move efficiently and without further delay to identify a detailed action plan, and to implement the Preferred Alternative reducing the elk herd to the desired population levels and achieving management goals for the grassland ecosystem.

The strategy in the preferred Alternative to evaluate the success of the initial phase of herd reduction using firearms after two years makes sense, and, if determined to be ineffective in reducing the herd, allows the opportunity for the Park to move to the Environmentally Preferred Alternative of roundup and euthanasia or translocation to achieve the desired herd population objectives.

Dedicated to the wise use of all natural resources

Thank you for this opportunity to offer our perspective on the Parks elk management plans. Please do not hesitate to contact the Chapter if we can be of any assistance to the Park in achieving the conservation of the grassland ecosystem through elk herd management.

Respectively submitted,


Allyn J. Sappa
North Dakota Chapter, The Wildlife Society